Volume 1

POLICING IN RELATION TO THE BLOOD TRIBE

REPORT OF A PUBLIC INQUIRY

COMMISSIONER'S REPORT

FINDINGS AND
RECOMMENDATIONS

1991

POLICING IN RELATION TO THE BLOOD TRIBE

REPORT OF A PUBLIC INQUIRY

Volume 1: Findings and Recommendations

Assistant Chief Judge C. H. Rolf
Commissioner

February 1991

Printed on Recycled Paper

Published on the authority of the Lieutenant Governor in Council by the Commission of Inquiry - Policing in Relation to the Blood Tribe

ISBN - 0-7732-0534-9 (Volume 1)
ISBN - 0-7732-0534-9 (Set)

91-03317/

Letter of Transmittal

COMMISSION OF INQUIRY
POLICING IN RELATION
TO THE BLOOD TRIBE

Commissioner: His Honour,
Assistant Chief Judge C.H. Rolf

Commission Counsel : M.G. Stevens-Guille, Q.C.

Administrator : Dave Alexander

February 1991

To Her Honour
The Lieutenant Governor in Council

May It Please Your Honour:

I, C. H. Rolf, Assistant Chief Judge of the Provincial Court of Alberta, appointed by Order in Council dated March 2, 1989, pursuant to the *Public Inquiries Act*, as the sole Commissioner to inquire into matters concerning policing in relation to the Blood Tribe,

Beg to submit to Your Honour the following Report.

C. H. Rolf
Assistant Chief Judge of the Provincial Court
Commissioner

ACKNOWLEDGEMENTS

As Commissioner, I would like to acknowledge the efforts of the staff of the Commission, without whom this work would not have been possible.

It should be noted that most witnesses appeared before the Commission voluntarily, without subpoenas, and we thank them for their cooperation.

The Commission of Inquiry acknowledges the contributions made by representatives of the major parties involved.

Chief Roy Fox, Blood Tribe Council and respected Elders of the Blood Tribe met with the Commissioner to pledge their support for this Inquiry and continued this support faithfully throughout the months of hearings.

Commissioner N. D. Inkster and his headquarters staff pledged the resources of the Royal Canadian Mounted Police and their complete support was unfailingly given. Assistant Commissioner R. H. Head is owed a special acknowledgement for making his reports and himself available as a knowledgeable resource. They have shown an earnest wish to incorporate changes as necessary to resolve identified problem areas with respect to policing on the reserve and the field of community relations. Many of their proposed changes have already been initiated and are in place.

The Alberta Solicitor-General, the Honourable R.S. (Dick) Fowler and the Alberta Attorney-General, The Honourable Ken Rostad assured and provided full disclosure of information so as to assist the Commissioner in this Inquiry and subsequent deliberations. Their sincere interest was of great assistance in achieving an unbiased and balanced overview of the concerns that this Inquiry was required to address.

CONTENTS

1. INTRODUCTION

1.1 EVENTS LEADING TO THIS PUBLIC INQUIRY 1
1.2 RATIONALE FOR THIS COMMISSION OF INQUIRY 3
1.3 DESIGNATION OF THIS COMMISSION OF INQUIRY AND THE PROCESS ADOPTED 5
1.4 REPRESENTATIVE COUNSEL GRANTED STANDING 7
1.5 DIVISION OF EVIDENCE 9
1.6 PUBLIC HEARINGS 10

2. PHASE I - REVIEW OF SUDDEN DEATHS

2.1 RECEIPT OF SUDDEN DEATH INFORMATION BY COMMISSION COUNSEL 13
2.2 SUDDEN DEATHS REVIEWED BY COMMISSION COUNSEL 15
2.3 SUDDEN DEATHS REVIEWED IN OPEN HEARINGS 17
2.3.1 **Many Grey Horses, Travis** 19
  2.3.1.1 Background of Individual
  2.3.1.2 Narrative of Events Leading to Death and the Discovery of the Body
  2.3.1.3 Medical Issues
  2.3.1.4 Post Death Investigations
  2.3.1.5 Comments
2.3.2 **Chief Moon, Ivan Gary** 32
  2.3.2.1 Background of Individual
  2.3.2.2 Narrative of Events Leading to Death and the Discovery of the Body
  2.3.2.3 Medical Issues
  2.3.2.4 Post Death Investigations
  2.3.2.5 Comments

2.3.3 **Morning Owl, Cedric** 37
- 2.3.3.1 Background of Individual
- 2.3.3.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.3.3 Medical Issues
- 2.3.3.4 Post Death Investigations
- 2.3.3.5 Comments

2.3.4 **Shot Both Sides, Alvin** 42
- 2.3.4.1 Background of Individual
- 2.3.4.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.4.3 Medical Issues
- 2.3.4.4 Post Death Investigations
- 2.3.4.5 Comments

2.3.5 **Twigg, Christopher** 48
- 2.3.5.1 Background of Individual
- 2.3.5.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.5.3 Medical Issues
- 2.3.5.4 Post Death Investigations
- 2.3.5.5 Comments

2.3.6 **Eagle Bear, Mike** 55
- 2.3.6.1 Background of Individual
- 2.3.6.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.6.3 Medical Issues
- 2.3.6.4 Post Death Investigations
- 2.3.6.5 Comments

2.3.7 **Standing Alone, Alvin** 67
- 2.3.7.1 Background of Individual
- 2.3.7.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.7.3 Medical Issues
- 2.3.7.4 Post Death Investigations
- 2.3.7.5 Comments

2.3.8 **Many Bears, Brian** 72
- 2.3.8.1 Background of Individual
- 2.3.8.2 Narrative of Events Leading to Death and the Discovery of the Body
- 2.3.8.3 Medical Issues
- 2.3.8.4 Post Death Investigations
- 2.3.8.5 Comments

2.3.9 **Bad Man, Dennis** 79
  2.3.9.1 Background of Individual
  2.3.9.2 Narrative of Events Leading to Death and the Discovery of the Body
  2.3.9.3 Medical Issues
  2.3.9.4 Post Death Investigations
  2.3.9.5 Comments
2.3.10 **Panther Bone, Maggie** 85
  2.3.10.1 Background of Individual
  2.3.10.2 Narrative of Events Leading to Death and the Discovery of the Body
  2.3.10.3 Medical Issues
  2.3.10.4 Post Death Investigations
  2.3.10.5 Comments
2.3.11 **Calf Robe, Hugh Ferguson** 89
  Many Grey Horses, Alphonse
  Weasel Head, Francis
  2.3.11.1 Background of Individual
  2.3.11.2 Narrative of Events Leading to Death and the Discovery of the Bodies
  2.3.11.3 Medical Issues
  2.3.11.4 Post Death Investigations
  2.3.11.5 Comments
2.3.12 **Black Water, Alvin** 94
2.3.13 **Day Rider, Agnes** 95
2.3.14 **Day Rider, Clara** 96
2.3.15 **Day Rider, Ruth** 97
2.3.16 **Yellow Feet, Irvine** 98
2.3.17 **Big Sorrell Horse, Robert and Dora** 99

2.4 TESTIMONY OF THE CHIEF MEDICAL EXAMINER 100
2.5 GENERAL OBSERVATIONS 105

3. PHASE II - CARDSTON BLOCKADE

3.1 DECISION TO INCLUDE CARDSTON BLOCKADE INTO INQUIRY EVIDENCE 109
3.2 OVERVIEW OF SIGNIFICANT EVENTS 111
3.3 BLOOD TRIBE PERCEPTION OF EVENTS 114
3.4 DESCRIPTION AND DISCUSSION ON THE ROYAL CANADIAN MOUNTED POLICE RESPONSE 116
3.5 GENERAL OBSERVATIONS 124

4. PHASE III - INTERFACE - NATIVE CULTURE - FEDERAL AND PROVINCIAL POLICING POLICIES AND PROCEDURES

4.1 DIVISION OF EVIDENCE 127
4.2 OVERVIEW OF ISSUES 128
4.3 BLOOD TRIBE 132
4.3.1 Testimony of Chief and Council 132
4.3.2 Testimony of the Elders 140
4.3.3 Testimony of Native Youth 142
4.4 ROYAL CANADIAN MOUNTED POLICE/ GOVERNMENT OF CANADA 143
4.4.1 Commission Assessment of Assistant Commissioner Robert Head's Study on Aboriginal Policing 143
4.4.2 Testimony of Assistant Commissioner Joseph Lagasse 152
4.4.3 Testimony of Assistant Commissioner George McCully 153
4.4.4 Commission Assessment of Federal Government Native Policing 153
4.5 BLOOD TRIBE POLICE I AND II - A COMPARATIVE REVIEW 157
4.6 TESTIMONY OF THE CHIEF OF THE LETHBRIDGE CITY POLICE 169
4.7 TESTIMONY OF LAW ENFORCEMENT DIVISION - PROVINCIAL GOVERNMENT 174
4.8 GENERAL OBSERVATIONS 177

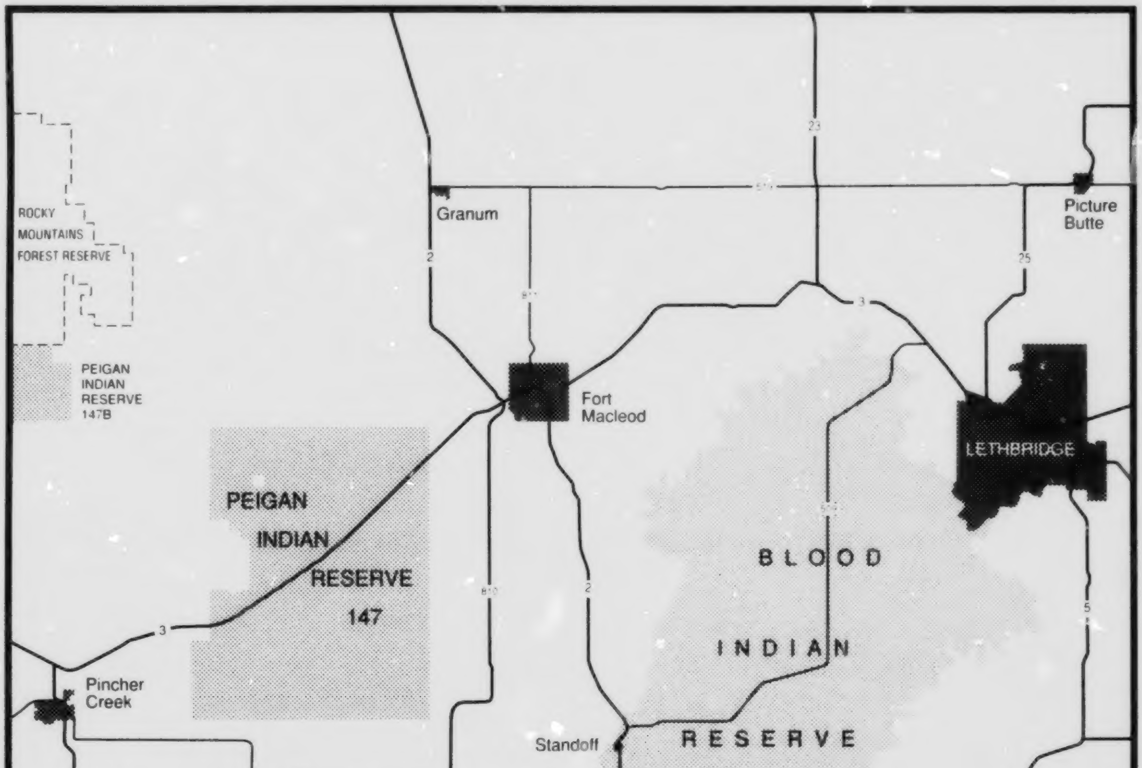
5. SUMMARY OF MAJOR CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS RESPECTING SPECIFIC TERMS OF REFERENCE 185
5.2 MATTERS BEYOND THE TERMS OF REFERENCE OF THE INQUIRY 192
5.3 RECOMMENDATIONS 201

6. APPENDICES

APPENDIX A ... Order-in-Council and Terms of Reference 217
APPENDIX B ... Public Notifications of Commission of Inquiry 220
APPENDIX C ... Guidelines for Print and Electronic Media 222
APPENDIX D ... Public Hearings - Location and Hearing Dates 223
APPENDIX E ... Represented Parties and Counsel 225
APPENDIX F ... List of Exhibits 227
APPENDIX G ... List of Witnesses 246
APPENDIX H ... Lists of Deaths Examined by Commission Counsel and Proposed Action 266
APPENDIX I ... List of Deaths Examined in Open Hearings 274
APPENDIX J ... Persons/Agencies Providing Information Not Heard in Open Hearings 275
APPENDIX K ... Rulings Made During the Inquiry 280
APPENDIX L ... Staffing of the Alberta Medical Examiner System 284
APPENDIX M ... Copy of Treaty Seven (1877) and Copy of Treaty With the Blood Tribe (1883) 286

Area Location – Blood Indian Reserve


ROCKY MOUNTAINS FOREST RESERVE
Granum
Picture Butte
PEIGAN INDIAN RESERVE 147B
Fort Macleod
LETHBRIDGE
PEIGAN INDIAN RESERVE 147
BLOOD INDIAN RESERVE 148
Pincher Creek
Standoff
Magrath
Cardston
WATERTON LAKES NATIONAL PARK
BLOOD INDIAN RESERVE 148A
23
2
3
25
810
5
507
505
6
62
501
km 0 5 10 15 20
miles 0 5 10

Standoff to Lethbridge - 75 km
Standoff to Cardston - 33 km
Standoff to Fort Macleod - 33 km

1. INTRODUCTION

1.1 EVENTS LEADING TO THIS PUBLIC INQUIRY

On April 20, 1988 Chief Roy Fox of the Blood Tribe forwarded a letter to the Premier of Alberta, The Honourable Don Getty. In this letter, Chief Fox indicated the Blood Tribe:

> "...is greatly concerned about the increasing incidents of deaths and murders of our members under peculiar and mysterious circumstances." and the "...apparent unwillingness/inability of the authorities to solve these tragedies."

Chief Fox stated there was an apparent double standard involved based on race and that the authorities appeared intent on maintaining a low profile level in such cases.

A Public Inquiry was demanded by Chief Fox to pursue these matters. His letter discussed several cases, including the homicide of Bernard Tallman Jr., a young Blood Tribe member, whose body was found on March 31, 1988.

The Premier's Office responded April 21, 1988 to confirm receipt of Chief Fox's letter and to advise that the Alberta Solicitor General and Attorney General were reviewing the letter's contents and would respond directly.

The Department of the Alberta Solicitor General formally advised the Royal Canadian Mounted Police on April 28, 1988 that a further investigation should be conducted into allegations contained in Chief Roy Fox's letter to the Premier. Superintendent C. Cooper completed this review May 19, 1988. Five deaths were reviewed in detail. As a result of this re-evaluation, the Department of the Solicitor General concluded that these deaths had now been thoroughly investigated and there was no need for a Public Inquiry. The Blood Tribe, however, still demanded a Public Inquiry.

During this same period of time, further developments occurred which heightened tensions and reinforced calls for a Public Inquiry. On April 29, 1988 the Royal Canadian Mounted Police arrested and charged two white men with the murder of Bernard Tallman, Jr. The accused were remanded at the

Lethbridge Courthouse May 6, 1988. As they were being moved, a disturbance occurred within the Courtroom, and soon spread throughout the Courthouse and onto the street. Allegations appeared in the media concerning the possibility of a white gang systematically hunting down and murdering Natives. Blood Tribe members were quoted as being uneasy and concerned over the safety of their family members.

Mary Louise Many Grey Horses, mother of one of the deceased in question, sent a letter to the Premier June 12, 1988 that questioned the Royal Canadian Mounted Police investigation into her son's death. Mrs. Many Grey Horses requested that the Premier convince the Alberta Solicitor General to institute a Public Inquiry. To emphasize this request, Mrs. Many Grey Horses initiated a "Run For Justice" June 14, 1988 from Standoff to Edmonton to meet with the Premier.

On June 16, 1988 the Premier and the Alberta Solicitor General met with Chief Roy Fox and other Blood Tribe members. It was agreed that a Public Inquiry would be called to remove any outstanding doubts and concerns. Negotiations to develop the Terms of Reference were to be initiated. The Premier met with Mrs. Many Grey Horses the following day and agreed that her views had merit.

A letter from the Department of the Solicitor General June 20, 1988 instructed the Royal Canadian Mounted Police to reopen the investigation of certain deaths on a priority basis. There was a need to contact Chief Roy Fox and other relatives of the deceased to complete this review. The review was completed and this expanded report was submitted March 1, 1989 to Assistant Commissioner G. Greig, the Commanding Officer of Royal Canadian Mounted Police Divisional Headquarters ('K' Division). Several aspects of the cases under review had required further investigation in other provinces thus extending the time frame for completion.

Government of Alberta representatives and the Blood Tribe held a series of meetings regarding the Terms of Reference of the Inquiry. The first meeting was held June 23, 1988. The Alberta Solicitor General announced March 2, 1989 that an agreement had been reached between the Blood Tribe and the Province of Alberta on the Terms of Reference for this Public Inquiry. An Order-in-Council to that effect was signed March 2, 1989. Assistant Chief Judge C. H. Rolf of the Provincial Court of Alberta was appointed the sole Commissioner with the consent and concurrence of all parties involved.

1.2 RATIONALE FOR THIS COMMISSION OF INQUIRY

The Right Honourable Lord Justice Salmon chaired the Royal Commission on Tribunals of Inquiry, 1966. Quotes from that Royal Commission outline that the justification for invoking a Public Inquiry is as follows:

> "...from time to time cases arise concerning rumoured instances of lapses in accepted standards of public administration and other matters causing public concern which cannot be dealt with by ordinary civil or criminal processes but which require investigation in order to allay anxiety. These cases vary in importance, urgency, and complexity and may relate to matters of local or national concern."
>
> "...it is essential that on the very rare occasions when crises of public confidence occur, the evil, if it exists, shall be exposed so that it may be rooted out; or if it does not exist, the public shall be satisfied that in reality there is no substance in the prevalent rumours and suspicions by which they have been disturbed. We are satisfied that this would be difficult if not impossible without public investigation by an inquisitorial tribunal..."

Justice J. H. Laycraft (as he then was) noted in his Report of a Public Inquiry on the Royal American Shows (June, 1978) that the:

> "...decision whether there exists a degree of public anxiety and speculation justifying the process of the Public Inquiry is a political decision. The Commissioner has no part in the decision whether the Inquiry should be called. It is, however, a principal function of the Commissioner to keep to an absolute minimum the infringement of individual rights".

A recent Province of Ontario Commission of Inquiry, popularly known as the "Starr Inquiry", was ruled unconstitutional April 5, 1990 by the Supreme Court of Canada. The majority decision by Mr. Justice A. Lamer (as he then was), as quoted in the Globe and Mail (April 6, 1990), re-emphasizes the need to protect an individual's rights and freedoms, as follows:

> "It is clear, therefore, that provinces should be given ample room within their constitutional competence to establish public inquiries aimed at investigating, studying and recommending changes for the better government of their citizens. What a province may not do, and what it has done in this case, is enact a public inquiry, with all its coercive powers, as a substitute for an investigation and preliminary inquiry into specific individuals in respect of specific criminal offences.
>
> This is an interference with federal interests in the enactment of and provision for a system of criminal justice as embodied in the *Criminal Code*. The net effect of such an inquiry is to bypass the protection accorded to an individual by the *Criminal Code* and is accordingly *ultra vires* the province...
>
> This limitation on provincial competence has consistently been reiterated in decisions emanating from this court that have upheld the constitutionality of other provincial public inquiries. In substance, the present inquiry offends the principle that a province cannot compel a person to submit to questioning under oath with respect to her involvement in a suspected criminal offence for the purpose of gathering sufficient evidence to lay charges or to gather sufficient evidence to establish a *prima facie* case."

The use of the *Public Inquiries Act* to examine the matters at hand is in accordance with the preceding principles, as identified by the learned Judges.

The conclusions of this Public Inquiry will not impose penalties or give rise to punitive damages. There are, however, recommendations the representative parties may act upon. This report is to the Lieutenant-Governor-in-Council who, in any event, shall use it as considered appropriate.

1.3 DESIGNATION OF THIS COMMISSION OF INQUIRY AND THE PROCESS ADOPTED

On March 2, 1989 in Edmonton, Alberta, Order-in-Council 160/89 was approved and ordered by the Lieutenant Governor of Alberta and signed by the Premier of Alberta.

The Order-in-Council created a Public Inquiry to investigate matters contained within the Terms of Reference. Upon the recommendations of the Alberta Solicitor General, the Order-in-Council appointed his Honour C. H. Rolf, Assistant Chief Judge of the Provincial Court of Alberta as Commissioner to inquire into these matters using the *Public Inquiries Act*, R.S.A. 1980, c.p. 29.

Judge Rolf required and was guaranteed full autonomy in this public Inquiry. Each of the interested parties agreed to Judge Rolf being the sole Commissioner.

The Order-in-Council and the attendant Terms of Reference are detailed in Appendix "A".

The Commissioner chose both Commission Counsel and Commission Administrator. They in turn were responsible for developing operational and administrative guidelines.

Both logistical and procedural concerns were necessarily addressed in short order so as to allow the Commission hearings to open May 9, 1989.

Offices were obtained and furnished in Lethbridge, Alberta. Venues for hearings were prepared in both the City of Lethbridge and on the Blood Indian Reserve, at Senator Gladstone Hall.

Contractual arrangements were made to engage the services of the following:

- Court Reporters
- Commission Clerk
- Commission Investigator
- Document Server
- Cultural Advisors
- Administrative support personnel
- Blood Tribe support personnel (e.g. researchers, coordinator, legal advisor, translators, clerical, labourers).

The Commission provided funding for counsel to be retained by the Blood Tribe and the City of Lethbridge.

Guidelines for coverage of the Commission hearings were finalized with representatives of the print and electronic media. Sample guidelines were initially created and then a press conference called to review the proposal. Amendments were instituted where appropriate based on this consultation process. The guidelines are detailed in Appendix "C". Of note was that all requests for information, concerns noted or interview requests for Commission staff were directed to the Commission Administrator who carried out the function of Press Liaison Officer. In the interests of consistency and fairness, the Administrator obtained the necessary information and responded to the media. In general, media personnel were professional in their conduct. They were respectful of and sensitive to some of the more tragic circumstances of testimony delivered by witnesses. The intent was to provide full media access to testimony and yet ensure that there was no significant disruption of the proceedings.

The Commissioner requested and was granted a meeting with the Blood Tribe Chief, Council and Elders in advance of public hearings. The Commissioner was accompanied by Commission Counsel and staff. The purpose of this meeting was to describe how the Commissioner intended to conduct the proceedings, to respond to Native concerns and to solicit the support and cooperation of the Blood Tribe leaders. The response was most gratifyingly positive and sincere.

The Commissioner requested and received assurances from representative Counsel that the hearings would be conducted throughout in a non-adversarial climate. The intent was to promote full Native involvement in the process. The rules of evidence were stretched to allow witnesses, especially Native, to express themselves fully. To this end, it was agreed Commission Counsel would lead all evidence. Other counsel who had been granted status would follow in an agreed-to rotation to bring out all other relevant information and to clear up any ambiguities. This process was amended in the last phase of the Inquiry to allow counsel with status to lead their own witnesses in areas of technical expertise in an effort to speed up the process of receiving information. Commission Counsel then clarified information as required as the last examiner. Commission Counsel staff collated materials from the representative parties and provided sufficient copies of all exhibits.

1.4 REPRESENTATIVE COUNSEL GRANTED STANDING

The Commissioner selected M. G. Stevens-Guille, Q.C. to act as Commission Counsel who in turn selected Associate Commission Counsel, R. M. Kruhlak, and M. G. Crighton.

The views of Justice J. H. Laycraft (June, 1978) respecting the role of Commission Counsel were liberally adopted during the course of the Inquiry and within this section of this report. In Justice Laycraft's view, the Commissioner is appointed as an independent person to preside over the Inquiry and does not require detailed knowledge of the forthcoming evidence. The Commissioner acquires sufficient knowledge to have a general overview of the matter before the Inquiry commences so that he can direct the course of the Inquiry in a general way.

According to Justice Laycraft, it is not desirable that the Commissioner have a detailed knowledge of what are thought to be the events into which the Inquiry must be made. As witnesses are heard and evidence unfolds, the Inquiry may take a different course than that which had first been anticipated. The position of Commission Counsel is therefore essential in directing the detailed evidence called at the Inquiry.

The function of Commission Counsel is not to act as advocate for any particular person or party or to contend for or against any point of view. The duty of Commission Counsel is to ensure all of the evidence necessary to this Public Inquiry is presented without regard to whom it favours and to see that all persons affected are treated equally. Counsel assists all parties appearing before the Commissioner to see that their rights are protected and that the evidence is fairly adduced. In the event that disagreements arise, matters are resolved by the Commissioner in Chambers, or adjudicated after public argument.

The represented parties to this Inquiry included the following, with their respective legal counsel:

Blood Indian Tribe	C. D. Evans, Q.C. J. D. Bascom, E. J. Creighton
The Crown in Right of Canada, the Solicitor-General of Canada and the collective members of the Royal Canadian Mounted Police.	I. G. Whitehall, Q.C. G. Bourgard A. G. McNab

The individual members of the Royal Canadian Mounted Police	J. B. Malone, Q.C. B. D. Newton
The City of Lethbridge Police Commission and Police Department	R. P. M. North, Q.C. D. R. Lint M. J. Dimnik D. S. Hudson (City Solicitor)
The Government of the Province of Alberta	J. S. Koval, Q.C. J. M. Langston, Q.C. E. J. Coughlan

During the course of the public hearings there were witnesses who, due to conflicts of interest, or who might find themselves in legal difficulties due to their evidence, were allowed their own independent counsel at the expense of the Inquiry. These situations were isolated and did not raise any legal concerns.

Appendix "E" presents an independent listing of all legal counsel with standing for this Commission of Inquiry.

1.5 DIVISION OF EVIDENCE

Commission Counsel, in consultation with other registered counsel with standing, proposed that evidence be heard within three main categories or phases. The Commissioner agreed and directed that evidence be heard in these categories. This was accepted by all Counsel who had been granted standing.

Phase I examined a number of Sudden Deaths identified by the Blood Tribe where circumstances were considered suspicious or the investigation was perceived by the Blood Tribe to be incomplete or unacceptable.

Phase II examined an incident generally referred to as the Cardston Blockade. This was a confrontation between the Blood Tribe, the Government of Canada (regarding outstanding land claims), the Royal Canadian Mounted Police and, in turn, the Town of Cardston and its citizens. There having been some controversy over including this in the Inquiry, it was argued and ruled upon as being within the Inquiry's Terms of Reference by the Commissioner.

Phase III reviewed Native culture and how it perceptually interacts with federal and provincial policing policies and procedures. Both historical and current perspectives were examined.

Other elements were, in time, advanced for review such as general complaints by the Blood Tribe. These are addressed within the body of this report.

Evidence focused on specific cases or circumstances and observations were drawn regarding these specifics. In the end, however, general conclusions were drawn which relate to the Terms of Reference as mandated within Order-in-Council 160/89. This consolidation of evidence has formed the basis for recommendations made by the Commissioner.

1.6 PUBLIC HEARINGS

Initial advertisements regarding this Commission of Inquiry were placed with both local and provincial print media sources, as described in Appendix "B".

May 9, 1989 marked the first day of public hearings. The initial venue for the public hearings was the Senator Gladstone Hall, located on the Blood Tribe Reserve.

The public hearings were officially opened by the Commission Clerk. The Commissioner explained the intent and mandate by which this Public Inquiry would operate, then gave a short history of the relations between police and the Blood Tribe. The Terms of Reference were read in both the English and the Blackfoot language.

The traditional Chief of the Blood Tribe, Mr. Jim Shot Both Sides, Jr. expressed his welcome and then conducted a Blackfoot prayer.

The Commission endeavoured to show full respect for the Blood Tribe culture by opening each day of sittings with a respected Elder delivering a Blackfoot prayer, usually in the Blackfoot language. Occasionally the Elder conducting the prayer translated it. These prayers were given regardless of venue location and were delivered and received in the spirit of cooperation and good will as is traditional in the Blood culture.

Hearing days and witness schedules were posted daily at the Standoff Administration (Chief Shot Both Sides) Building. Appendix "D" denotes the locations and dates of the public hearings. Public hearings were held on the Blood Indian Reserve as well as the Lethbridge offices of the Commission of Inquiry.

There were a total of 86 hearing days between the May 9, 1989 opening and the adjournment by the Commissioner March 28, 1990. Hearings normally convened at 9:00 a.m. when held in Lethbridge and 9:30 a.m. when held on the Reserve. Hearings continued past 6:00 p.m. on some days. Travel time and numerous representative Counsel meetings contributed to very long days.

The Commission Office was formally open from 8:00 a.m. to 6:00 p.m. Monday through Friday, though all Commission staff routinely worked longer hours.

During this time, Court Reporters prepared more than 14,500 pages of sworn testimony, averaging almost 170 pages each hearing day. The most pages transcribed in one day was 267.

The Commission heard a total of 232 witnesses in open hearings, though some of these witnesses appeared on multiple occasions and some on multiple days. These witnesses are listed in alphabetical order in Appendix "G". Titles and position levels are noted where appropriate.

The Commission Clerk certified 158 Commission exhibits as entered at the Inquiry. Due to sub-numbering such as 155 (1) and 155 (2), this actually represented 163 separate exhibits and thousands of additional pages of evidence. An exhibit listing in numerical order is located in Appendix "F".

Commission Counsel reviewed 105 Sudden Deaths. Through mutual consultation and subsequent agreement with Blood Tribe Counsel, Blood Tribe researchers and other representative Counsel these were reduced to 17 actual cases (involving 20 Sudden Deaths) examined in open hearings. Thirteen of these deaths were examined in significant detail whereas the other seven required only expert medical testimony and, where appropriate, a brief summary of police information to adequately describe the situation.

There was an average of almost seven persons in the public gallery throughout the open hearings May 9, 1989 to March 28, 1990. This does not signify a lack of interest in the proceedings. Many Blood Tribe members stayed away from the hearings for cultural reasons. Native Elders explained that the review of specific Sudden Deaths was a very hurtful process that re-opened many wounds and recalled painful memories. The Sudden Deaths were matters of a private nature. Out of respect for the families involved it was considered inappropriate to attend the hearings and see their pain. The sorrow of the witnesses was greatly respected by other tribal members. Most information was, of necessity, obtained by Blood Tribe members from the print and electronic media. Specific days considered important were very well attended, in relative terms.

On October 3, 1990, the Commissioner reconvened the Commission of Inquiry to give Counsel who had been granted standing an opportunity to present summation or closing statements. Summation statements were heard on October 3 and 4, 1990 from representative Counsel. These hearings were held on the Blood Tribe Reserve in the gymnasium of St. Mary's High School. A Blood Tribe Elder opened each day with a prayer in Blackfoot.

These two additional days of hearings generated an additional 300 pages of written transcript. This completed all public hearings for this Commission of Inquiry. No further witnesses were sworn in or exhibits filed. The hearings were well represented in the public gallery despite the very inclement weather.

2. PHASE I - REVIEW OF SUDDEN DEATHS

2.1 RECEIPT OF SUDDEN DEATH INFORMATION BY COMMISSION COUNSEL

Commission Counsel were involved in negotiations with the Blood Tribe legal counsel and tribal researchers from April, 1989 through January, 1990 over the names of persons submitted for possible investigation by the Commission. This included developing the rationale for selecting the 20 specific deaths the inquiry eventually did investigate in open hearings.

To this end, Commission Counsel attempted to ensure that everyone who appeared to have relevant information on any of the Sudden Deaths proposed by the Blood Tribe for investigation by the Commission, was contacted and interviewed.

The Commission of Inquiry presupposed that thorough reviews would be conducted on all of the six initial deaths which were mentioned during the discussions with the Royal Canadian Mounted Police, provincial representatives and Blood Tribe spokesmen prior to the Inquiry being called.

Each subsequent suspicious death directed to the attention of Commission staff by Blood legal counsel or their research staff was reviewed only where basic preliminary information could be provided by members of the Blood Tribe. This information included the name of the deceased, location of death, date of death (with as much detail as possible) and the nature of the complaint with respect to the police investigation. Having this information in hand, Commission personnel proceeded to obtain the complete medical examiners file including any toxicology results that were available and the complete police file, if any.

Knowing the nature of the complaints about the police investigation facilitated efforts to interview relevant witnesses, either Blood Tribe members, Royal Canadian Mounted Police, or any other knowledgeable party. These interviews were conducted by either the Commission staff, Commission investigator, or alternatively, members of the Blood Tribe research staff for review by Commission Counsel and his staff.

Due to the age of many of the suspicious deaths brought to the attention of Commission personnel, the police information was often no longer available either from the Royal Canadian Mounted Police or the Lethbridge City Police.

Medical files from the Office of the Chief Medical Examiner of Alberta were released to the Commission for examination, with the approval of the Provincial Government. Because of the lapse of time, these were often the only written record of the death. It was determined that suspicious deaths would not be reviewed further by the Commission where no information was available as to the nature of any complaint, or alternatively, where the age of the matter precluded the availability of material to illustrate the involvement of both the Natives and the police force concerned.

On the other hand, a complete background review was conducted whenever there was reference to a specific complaint regarding the police investigation, a medical examiners file was available and there was at least some police information available. Only those matters which appeared to fit within the Terms of Reference were then placed on the schedule of matters to be reviewed by this Inquiry. Some Sudden Deaths reviewed by Commission Counsel were considered to be outside the Terms of Reference because they were still under active police investigation, still before the courts where charges had been laid or were still being contemplated. Blood Tribe Counsel and/or the Blood Tribe researchers were always advised and given the opportunity to consider the reasons for excluding the particular file.

There was considerable lack of knowledge as to the workings of the Medical Examiners Office and the meaning of certain terminology used. Commission staff sought the assistance of the Chief Medical Examiner for Alberta, Dr. John Butt, to comment on a number of deaths about which all Counsel had been previously notified. Dr. Butt subsequently attended as a witness and gave valuable information on numerous matters, but particularly as to the workings of his office.

The method of evaluation utilized by Commission personnel in considering to do a full review of the death in open hearings, or alternatively, concluding that no further review be conducted by the Inquiry was not questioned by any of the representative parties involved either prior to the calling of evidence before this Inquiry or during the course of the Inquiry's Public Hearings.

2.2 SUDDEN DEATHS REVIEWED BY COMMISSION COUNSEL

Commission Counsel were initially provided with a preliminary list of suspicious deaths which had been under discussion prior to the Inquiry being called. There were six names on the list. However one of the names, Bernard Tallman, Jr., was placed in abeyance due to the fact his death was before the Court of Appeal during the sitting days of this Inquiry. It was still before that tribunal at the time of writing this report.

In April, 1989, discussions were held with Chief Roy Fox, Blood Tribe Chief of Police and Blood Tribe research personnel. A list setting out 92 sudden deaths was originally brought forward during these meetings by the Blood Tribe representatives. Individuals on this list apparently died suddenly under what was considered as suspicious circumstances by the members of the Blood Tribe. The Blood Tribe members narrowed these names down considerably through negotiations with Commission Counsel and staff, resulting in a list of 29 deaths considered suspicious.

Commission Counsel consulted other Counsel from any interested party with standing as the occasion demanded.

Coincidentally, the Medical Examiner's Research Officer provided Commission staff, on June 29, 1989, a list of Native deaths occurring in the Province of Alberta from 1975 to 1987. The Blood Tribe representatives were provided with a complete copy and asked to designate those on the list who had been members of the Blood Tribe. This information was provided by the Blood Tribe. A subsequent list was prepared showing the blood alcohol levels of these individuals, where available, from the Medical Examiner's Office. The Chief Medical Examiner's Office provided this information to assist in reviews of those Natives who either had been or would be brought to the attention of Commission personnel.

Blood Tribe counsel was provided with an amended list of Sudden Deaths and the decision of Commission Counsel with respect to the investigation of these deaths, around September 14, 1989. On September 18, 1989, a scheduled counsel meeting was held and at that meeting the Blood Counsel and Blood Tribe researchers on behalf of the Tribe, provided three separate lists of deaths which could be considered suspicious. The lists contained the names of individuals whose deaths the Blood Tribe felt should be reviewed by the Inquiry, Sudden Deaths to be removed from the list of suspicious deaths, and cases where no contact had yet been made with members of the family for final determination by Commission review. Commission personnel were also advised on that date by Blood Tribe research staff that there were additional matters to be submitted for review.

On October 10, 1989, a further list was provided by the Blood Tribe Counsel and Research staff for inclusion in the Commission investigations. On October 13, 1989, Commission personnel forwarded a summary listing setting out their evaluation of deaths being considered for inclusion in the Commission investigations. Commission Counsel requested a final list of proposed suspicious deaths from the Blood Tribe. On November 30, 1989, Commission staff forwarded to the Blood Tribe Counsel a final summary of their decisions respecting suspicious deaths that had been forwarded for review. Blood Tribe representatives then forwarded the names of several additional other suspicious deaths for review from November 1989 to January 1990. Commission Counsel responded to these final supplementary cases through correspondence to respective legal counsel on February 23, 1990 and March 7, 1990.

Commission Counsel consequently reviewed a total of 105 Sudden Deaths that were considered suspicious by the Blood Tribe. The disposition of these cases is located in Appendix "H" which contains a series of lists. List #1 is a Commission Counsel summary of 61 Sudden Deaths not pursued based on consultation with Blood Tribe Counsel and researchers. List #2 outlines 17 Sudden Deaths where the Blood Tribe and respective family members requested that these cases be removed from the investigative process. This list was provided on September 18, 1989, and these cases had already been reviewed by Commission Counsel. List #3 indicates seven Sudden Deaths where it was determined that the cases did not come within the Commission's Terms of Reference or did not meet the established and agreed criteria for being included in the Inquiry's investigation.

The lists as noted above in Appendix "H" accounts for 85 Sudden Deaths reviewed by the Commission Counsel, out of a total of 105. The outstanding 20 Sudden Deaths, were investigated in open hearings. These 20 Sudden Deaths, amounting to 17 cases, are discussed in some detail in the following section of this report.

2.3 SUDDEN DEATHS REVIEWED IN OPEN HEARINGS

The Commissioner instructed Commission Counsel, to examine 20 Sudden Deaths in Open Hearings. Commission Counsel had nominated these cases after consultation with other appropriate legal counsel and reviews, investigations and consultations with the Blood Tribe Counsel and Blood Tribe research staff. A complete list of these Sudden Deaths under examination is found in Appendix "I".

Commission Counsel, with the assistance of the Commission investigator, endeavoured to contact all witnesses who had information relevant to each case. Commission Counsel originally recommended that eight Sudden Deaths be examined in depth and 12 Sudden Deaths be examined through the Chief Medical Examiner's records. In the opinion of Commission Counsel, these 12 deaths did not require a full review, including police involvement, but rather required only an explanation to the public and to the members of the family as to the medical cause of death. The Commissioner, however, subsequently ruled that 13 deaths (including Dennis Bad Man and Maggie Panther Bone) merited a full in depth review and seven deaths would be examined through medical records and, where appropriate, a brief summary of police information.

The opinions of available pathologists who conducted the post mortem examinations and the expert medical/pathology/forensic testimony of Dr. J. C. Butt, the Chief Medical Examiner for the Province of Alberta were incorporated.

Each Sudden Death within this report was reviewed in an attempt to respond to the questions raised by the evidence placed before the Commissioner and in regards to the Terms of Reference, where relevant.

These Sudden Death reviews shall, where appropriate and relevant, be conducted within the following outline;

i) Background of Individual - denotes what is known of the deceased and describes relevant family/social relationships.

ii) Narrative of Events Leading to Death and the Discovery of the Body - describes activities involved in the finding of the respective body and, where available, information on how the deceased met his/her end.

iii) Medical Issues - outlines information from the assigned pathologist on post mortem examination and, where available, the medical examiner's assessment of the cause of death.

iv) Post Death Investigations - describes activities by the police to ensure investigations are conducted, not only to rule out foul play, if appropriate, but also to determine how the deceased met his/her end. Results of such police investigations should be sufficiently comprehensive to satisfactorily resolve any outstanding concerns or inconsistencies in evidence and hopefully set to rest the suspicions of the family.

v) Comments - relates any concerns or matters which need to be further examined/resolved for future cases. These areas will cumulatively be examined for observable trends which could form the basis for conclusions and recommendations.

2.3.1 TRAVIS MANY GREY HORSES

2.3.1.1 Background of Individual

Travis Many Grey Horses was an 18-year-old member of the Blood Reserve. He was the eldest son of Mary Louise Many Grey Horses. Travis was completing his grade 12 at the time of his untimely death. He was a good student, an excellent athlete and particularly an accomplished boxer. He took great satisfaction in keeping himself physically fit.

The prospects of this young man appeared bright. He was a quiet reserved individual who got along very well with people. He had experimented with using a "white" name, but evidence indicates that he was drawn to his Native heritage by his friends and his family. This appeared particularly so with respect to his late grandfather, Alphonse Many Grey Horses who had played a very large role in re-establishing some of the traditional and sacred customs of the Blood culture. This remarkable man, however, also taught his children and counselled his grandchildren to seek their education and to prepare themselves for a future which was rapidly evolving and changing. He saw clearly that his children could live and compete in this "new" culture and still be firmly rooted in, and faithful to, their Native culture and heritage.

2.3.1.2 Narrative of Events Leading To Death and the Discovery of the Body

Travis lived with his married sister Shelley Chief Body on the Blood Reserve while he was attending Lethbridge Community Institute in Lethbridge. His mother, Mary Louise Many Grey Horses, lived in Magrath about midway between Lethbridge and Cardston with her husband Norbert Fox and Travis's two younger brothers.

The last time Mary Louise saw Travis was at the Alphonse Many Grey Horse's funeral November 7, 1986. There was a suggestion that Travis was depressed over the death of his grandfather. This suggestion apparently started with Janice Many Grey Horses and Michael Blood who were both first cousins of Travis and who were Native Special Constables in the Royal Canadian Mounted Police Detachment at Cardston. These two young police members had attended their grandfather's funeral and had seen and spoken to Travis. Later, over coffee at the Detachment, Janice expressed some concern for Travis because of the grandfather's passing. This concern about Travis' mental state somehow entered the case file on Travis, and coloured the attitude of all those involved in the case.

The Commissioner, however, is satisfied that Janice and Michael never expressed any deep concern or fear for Travis's ability to handle his continuing life. The passing of the grandfather was just one more natural occurrence in all their young lives. This was abundantly clear in the testimony of the mother, Mary Louise. She stated that she was saddened and depressed at the funeral. The grandfather had been ill for a long time and his passing was expected, but she was depressed because she admired the old gentleman very much. It was Travis who attempted to cheer her up. He told his mother that the grandfather's teachings were that life must go on and that he would have been the first to insist that they carry on with every day living.

His sister, Shelley Chief Body saw him on Monday prior to his leaving for school. He told her he would not be home that night because he was going out with some unnamed friends. When he failed to return that night she therefore had no concern. When he failed to come home for several nights she had some apprehensions but assumed that he had gone to his mother's place at Magrath. This would not have been unusual, but it was unusual for him not to have informed her of such intent. She tried unsuccessfully to reach her mother by telephone. She finally spoke to her brother Vincent, aged 14 years, who told her Travis hadn't been there, nor had he seen him. This news caused her some concern, but it didn't occur to her to phone the Royal Canadian Mounted Police Detachment at Cardston. Such reluctance could be explained by some earlier unhappy experiences she had had with the police.

The mother, Mary Louise, already had some inkling of trouble. Kai Yip, the boxing coach, asked her where Travis was because they were getting ready for a boxing tournament in Saskatoon in a couple of weeks. When Vincent told her that Shelley hadn't seen Travis she started asking around. She went to the Lethbridge City Police and asked if anyone had seen Travis because he had by now been missing for a couple of weeks. Her own investigations indicated he had last been seen in Lethbridge. This Commission is satisfied that she was told to deal with the Cardston Police Detachment because he was a Blood Reserve resident. The Commissioner believes from the evidence that the Lethbridge City Police officer tried to make light of the situation in order to ease the concern of the mother. This was interpreted by the mother as an indifference on the part of that police officer, and this indifference was then associated with the entire Lethbridge City Police.

The Commissioner believes she also went to the Cardston Detachment of the Royal Canadian Mounted Police which has the basic responsibility of policing the Blood Reserve. Again, she only asked if they had seen Travis. She did not press her fears and the Police did not pick up on her anxiety. It again became a question of jurisdiction between Lethbridge City Police and the Cardston Detachment. The frustration of the mother was again kindled by being told that she must report the matter to the Lethbridge police. It should be noted that she had not been asked the basis of her concerns, nor had she been asked if she wished to file a missing persons report by either police department.

The Inquiry was advised that Mary Louise had confided in her sister, Ruby Gros Ventre Boy. Ruby was already concerned that Travis was missing. She insisted that Shelley phone the police in Cardston, but there was no response from the police. Ruby then made several trips to the Cardston Detachment looking for Constable Clarke, an officer she knew and trusted.

Ruby finally caught up with Constable Clarke and related the events to him as she knew them. She requested his help. Constable Clarke knew Ruby and listened to her. In his testimony he admitted that Travis being missing for five weeks caused him concern. He therefore checked with Constable Liptak of the Lethbridge City Police but found that no report had been filed and that no missing persons report had been started. This was the same at Cardston Detachment. Constable Clarke then took particulars from Ruby Gros Ventre Boy and began an occurrence report. He entered the name in the Canadian Police Information Centre (C.P.I.C.) system, thus alerting other detachments of a missing person.

Ruby also reported the matter to Keith First Rider in his capacity as security officer for the Blood Tribe. He eventually told her it was either the Cardston Detachment or, more likely, the jurisdiction of the Lethbridge City Police but that was all the help he offered.

Constable Weber was then assigned to this file by his shift supervisor, Corporal McMahon. Weber had a great deal of difficulty in locating Mary Louise, who was busy searching for her son. Constable Robertson of Magrath was asked to get a statement from her. Robertson went to her house in Magrath three times during January 2-3, 1987. On the last occasion Constable Robertson spoke to her son Vincent. He obtained no new information from Vincent but asked that he pass the message to his mother that Constable Weber wished to see her at the Cardston Detachment.

It was clear that Mary Louise was becoming obsessed with the task of finding her son. This task was not made easier by the fact that she had her own problems with the police. Mary Louise was arrested on outstanding traffic warrants and taken to Cardston early in January, 1987 at which time Constable Weber was able to interview her about her missing son. Mary Louise gave him the full benefit of her efforts. She provided the names of people who had seen Travis last. In particular, she gave him the names of Lloyd Chief Calf, Rose Heavy Head and the Magic Motel. Constable Weber then went on leave. Except for a brief entry by Corporal McMahon, the file lay dormant until Weber's return.

The terms "suicide" and "depression" stay with Constable Weber's file on Travis for reasons he was unable to relate to this Inquiry. This was despite the emphatic statements of Mary Louise to the contrary and the denials of Janice Many Grey Horses and Michael Blood.

As requested, the mother brought in two photographs of her son. She assumed these photographs would be used on television to help locate her missing son. Instead, they were simply processed to files and distributed for information in the normal course of events. No one had taken the time to explain any procedures about searching for missing persons to the mother or to any relatives who were actively interested in the search. Had any police officer spent a little time with the mother and given her some explanation a great deal of misunderstanding could have been averted. This later proved to be a focal point of frustration and resentment on the part of the family and the Blood Tribe.

Regretfully Constable Weber was unable, for one reason or another, to pursue this investigation closely. He failed to check out leads which were relatively fresh at the time, leads which Sergeant Welke was unable to unravel at a much later date for perhaps the same reasons of lack of time and other priorities of his duties.

The evidence indicated that Weber had subconsciously classified it as a suicide and therefore the investigation was not a high priority. It was also noted that Constable Weber did not make any use of the Native Special Constables who may have been most useful under the circumstances.

By this time, Norbert Fox was doing the rounds of the police forces and he too reported getting the same response that his wife had reported earlier.

Eventually, Constable Gawthrop of Picture Butte Detachment, in response to information, found a body in the Old Man River near Diamond City. He received the call at 6:10 p.m. on April 10, 1987. A Mrs. Bernice Cote stated that her nine-year-old son had found the body of a man in the river against the north bank. When Constables Gawthrop and Warren arrived about 6:30 p.m. they found the bank to be extremely steep. It was approximately a 400 foot vertical drop to the river. It was a most difficult spot from which to retrieve the body. The top part, the shoulders and head were out of the water with the back up against the bank. The bottom part of the body was submerged in the river. Gawthrop took photographs of the body and the area. He searched the bank for 200 yards both up and down the river.

Constable Gawthrop notified the Lethbridge General Investigative Services Unit of his discovery and the difficult location. Communication was difficult in the area. He had a handset and though reception was good, some of the communications he sent were broken or garbled. (General Investigative Services is a specialized unit within the Lethbridge Royal Canadian Mounted Police Subdivision).

Dr. Sefcik, the Medical Examiner, gave authority to remove the body at 8:00 p.m. The body was eventually removed by Martin Brothers Funeral Home to the Lethbridge Regional Hospital. The constable followed the body to the hospital.

Constable Gawthrop locked the body up in a metal container. The lock and key were provided to him by Sergeant Welke of the Letbridge General Investigative Services Unit. Gawthrop left a note in long hand for the pathologist, describing the position of the body in the river before it was removed. He then met with Sergeant Welke, at either midnight or early in the morning of April 11, 1987, and gave him verbal details of the area and the removal of the body. Sergeant Welke had offered his assistance by this time. He was prevented from attending the scene by a heavy snow storm which occurred early that morning.

Dr. Barbara Happel was the pathologist designated by Dr. Sefcik, the Medical Examiner, to do the post mortem examination. This was performed April 11, 1987 at 1:30 p.m. and took about 70 minutes. The medical issues are addressed later in this report.

There was at that time a missing persons report generated by Constable Clarke which was being investigated by Constable Weber of the Cardston Detachment. Constable Gawthrop had an investigation arising from the finding of the body in the Old Man River, and this was out of the Picture Butte Detachment. Sergeant Welke volunteered his assistance and started his own investigation out of the Lethbridge General Investigative Services office.

Sergeant Welke and Corporal Duncan were present, as was Constable Gawthrop of Picture Butte, when the post mortem examination was conducted by Dr. Happel. Identification of the body had not been made at this time. At about 5:00 p.m. April 11, 1987, Sergeant Welke came up with the Cardston Detachment missing persons report. He suspected the body to be that of Travis Many Grey Horses. Positive identification was expected from dental charts and records. Dr. Lynne Stone had charted the teeth at the post mortem.

Sergeant Welke eventually found where Mary Louise Many Grey Horses and her husband were living in Lethbridge. He found them at home and with some delicacy informed them of the finding of the body and his fear that it might be Travis. He got the necessary information as to who Travis' dentist was. He arranged to meet Norbert at the Lethbridge Subdivision April 13, 1987 because Mary Louise was most firm in her wish that if this was Travis, that

Sergeant Welke was not to be the person to give her this information. She refused to believe that the body was her son.

Sergeant Welke received positive identification at 11:00 a.m. that morning at the Lethbridge Subdivision, almost simultaneously with being advised that Norbert was there to see him. He then went to Superintendent Beaulieu's office where Norbert Fox, Chief Roy Fox and Phillip Bruised Head were waiting for him. Sergeant Welke confirmed the bad news to Norbert and offered his condolences. Superintendent Beaulieu instructed Sergeant Welke to go with the men when they returned to tell Mary Louise that the body was indeed that of her son Travis. He was instructed by the Superintendent to keep the family informed of developments during the investigation. Welke went as instructed by his commanding officer. Regardless of Mary Louise's previous instructions, Welke was well received by these people at this time.

During the months of Mary Louise Many Grey Horse's relentless questioning of persons who may have had anything to do with Travis, the "rumour mill" was working overtime. Travis was purported to have either been seen in or travelled to various places. Mary Louise faithfully followed everything up. She now had Sergeant Welke to turn to and pass information along to.

At this time Constable Weber's file was not being actively pursued. Constable Gawthrop's file was for all intents and purposes closed. He had found the body, attended the post mortem examination, filed the necessary reports to Royal Canadian Mounted Police Divisional Headquarters ('K' Division) and had taken charge of the exhibits, including the clothing which he had disinfected. He had passed the pathologist's remarks on to Sergeant Welke. He had ensured that Constable Weber was aware of the positive identification of the body. Everyone seemed to be waiting, particularly Sergeant Welke, for the toxicology report. It was 130 days from the time that Travis had last been seen to when his body was found. He was identified positively three days after the finding of the body.

2.3.1.3 Medical Issues

Dr. Barbara Happel was the pathologist instructed by Dr. Sefcik, the medical examiner, to do the post mortem examination. The medical examiner had made the decision to have the autopsy performed at the Regional Hospital in Lethbridge, even though the body was in an advanced stage of decomposition.

Dr. Sefcik gave the pathologist the information apparently obtained from Constable Gawthorp's handwritten note, made to assist the pathologist in her examination.

As previously stated, Sergeant Welke, Corporal Duncan and Constable Gawthrop attended the proceedings, although Welke left early to attend to other matters. Duncan took pictures whereas Gawthorp took custody of the exhibits.

In the usual and accepted practice, Dr. Happel gave a running commentary of her findings and conclusions as the post mortem examination progressed. Gawthrop made notes of this and subsequently passed the information along to Welke. The deceased was a North American Native male, which was basically concluded from the colour and texture of his hair. The rest of the body, in its condition, really gave no inkling of race. He was estimated to be 18 to 20 years of age. She found no external evidence of bruising or scars because of the advanced state of decomposition of the body. She found no internal evidence of bone fractures or bleeding. Her conclusion, therefore, as passed on to the police, was that no foul play was apparently involved.

She felt that drowning was not the cause because the face obviously hadn't been submerged in the water. It was mummified and distorted. The internal examination confirmed her feeling that drowning was not the cause of death. She found no water in the lungs or the stomach. This drowning theory, therefore, would be inconclusive. The anatomical evidence did not support such a conclusion.

The next theory or suggestion would be exposure or hypothermia. He could have died prior to immersion in the water. She stated that she was now looking for alcohol related causes. The examination of the internal organs showed no disease or alcohol degeneration. Dr. Happel, therefore, ordered a toxicology report. The results of the toxicology examination showed that there was 90 milligrams of alcohol in 100 millilitres of blood in the liver. The legal blood alcohol limit is 80 milligrams. This information was provided to her May 5, 1987.

On April 11, 1987, Dr. Happel had an unidentified body to examine and her preliminary Certificate of Death stated categorically that the cause of death was "undetermined". She stated that there were no anatomical findings to explain the cause of death. It was for this reason that she ordered the toxicology examination, even though any alcohol readings were most unreliable due to the advanced stage of decomposition of the body.

The pathologist was then advised that there had been a positive identification. The deceased was now known to be 18-year-old Travis John Many Grey Horses of the Blood Reserve. The police told her about his apparent depression over the death of his grandfather. They advised her that he hadn't been seen since November 14, 1986. He had been drinking and had apparently gone down to the Indian Battle Park below the Magic Motel in

Lethbridge. She then used these assumptions to prepare a final Certificate of Death.

Dr. Happel now stated the cause of death to be "Presumed cold exposure" - Other significant factors, "Ethyl Alcohol intoxication." In the body of the certificate she set out the information received from Dr. Sefcik and/or the police. This information was obviously from the police files of Constable Weber which were passed to Sergeant Welke. Such statements as, "last seen on the 14 of November, 1986. At that time he was known to be emotionally distressed over the death of his grandfather.". Dr. Happel does, however, remain true to her original conclusion that "there were no anatomical findings to explain the death."

She cast doubt on the theory that the body had floated from Indian Battle Park to its final resting place as a result of the spring run-off. The body had obviously been at its final resting place for a long time. This was evident by the mummification of the face and the condition of the torso.

2.3.1.4 Post Death Investigations

As indicated previously, Constable Weber's file was not being actively pursued. On Sergeant Welke's arrival on the scene Constable Weber had obviously passed the "suicidal, depression, grandfather" theory on to Welke. He also passed on the information from his file about drinking, which became "heavy drinking".

There was no doubt that such information went to Constable Gawthorp at Picture Butte as well. He closed his file for all practical purposes April 14, 1987 by saying in his final chronology;

> "Received toxicology results from Dr. Barb Happel, the pathologist in this case. The reading on our deceased was 90 mgs per cent (90 milligrams of alcohol in 100 millilitres of blood). She was of the opinion that that would be enough for him to go to sleep or pass out in cooler weather, and result in hypothermia. In all probability, the deceased got drunk, wandered down around the river, passed out and subsequently died of hypothermia. When the river became increasingly higher during the spring run-off, he would have been washed down stream to where he was located by young Christopher Cote."

Except for waiting for instructions to close the file from Lethbridge and finally delivering the exhibits, with the exception of the clothing which had to be out of necessity destroyed, Constable Gawthrop was now out of the case.

Sergeant Welke tracked down the missing person report, tracked down Mary Louise and Norbert Fox in Lethbridge, obtained dental information which resulted in a positive identification and notified the family members.

He was instructed by Superintendent Beaulieu to give all necessary assistance to the family. He was instructed to keep the family advised of the investigation and its progress. There was no doubt that the sergeant had a lot to do, which was further aggravated by his pending transfer to another area of the province. The Inquiry is satisfied that Welke's priority in this case was not very high. However, with orders he had received from his commanding officer, he had no alternative but to continue following leads provided him by the mother.

This woman was determined to get to the bottom of her son's death. She put all her energy into providing to the reluctant Welke a list of names, some very pertinent and useful, others from the "rumour mill". These names included Lloyd Chief Calf, the Bellgarde sisters, Edwin One Owl and Penny Lee Many Guns. She felt that she had been "given this run around" for almost four months. Mary Louise was single minded in her efforts to push the investigation into her son's death to a conclusion satisfactory to her own evaluation of the events.

Lloyd Chief Calf was certainly an important lead. Mary Louise had talked to him on more than one occasion and was firmly convinced that he was lying to her because he apparently kept changing his story. The Commission Investigator interviewed Lloyd Chief Calf with very little success. He was called to testify. The Commissioner is still of the view that Chief Calf knew more than stated but his denial of any knowledge held up to vigorous examination.

The Bellgarde sisters gave statements to the Commission regarding their knowledge of the rumours circulating about this case. They too could remember little of the information that was imputed to them, particularly with respect to one John Abbott. The Commission interviewed John Abbot and found his memory lacking with respect to his knowledge of Travis' disappearance. He alleged that the only knowledge he had was again from the rumours going around. These rumours implicated Edwin One Owl who voluntarily testified that he had no knowledge whatsoever of the death of Travis Many Grey Horses. He categorically denied any implication in the matter.

All these names, together with others, were put forward at the time by Mary Louise, but none of the persons were interviewed by any police officers. Superintendent Cooper did a re-investigation and interviewed these persons and others, but was unable to further the file to a satisfactory conclusion. The trails were very cold, the memories were faulty to the point of "I don't remember".

The Commission heard from all these persons again, as well as others. The Royal Canadian Mounted Police located Simone Creighton in Ontario. She was unable to recall enough information to further the purpose of this Inquiry.

It was hoped that the evidence of Penny Lee Many Guns would prove of value. No one had interviewed her before the Commission Investigator and Commission Counsel took a statement from her. She had given Travis a shell and beaded necklace which was one of the distinctive exhibits found on the body. Penny had met Travis at school and said she was just getting to know him. She obviously liked him a lot, but was the girlfriend of Edwin One Owl. He was spending some time in a Correctional Centre during the time that Penny said she was getting to know Travis. Penny and Edwin temporarily resumed their relationship upon his release from jail. Their relationship broke up after Travis disappeared, primarily because Edwin was so directly implicated in the death by the rumours that were around.

These additional witnesses were unable to provide any significant details to help explain the death of Travis John Many Grey Horses.

2.3.1.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits the following comments can be made:

1. Lethbridge City Police officers attempted to minimize the mother's anxiety over the disappearance of her son. The individual officers did not understand the Native culture and its differences from the white society. The officers' light hearted manner was interpreted by the mother as not caring for her concerns. This interpretation became firmly entrenched and was transferred to all city police officers regardless of how well meaning those officers were. It was applied to officers with whom no actual contact had ever been made. This led to the overall Native perception of how the Lethbridge Police felt about them.

2. Police officers should not assume that the Native people are knowledgeable about police procedures. This can cause misunderstanding and frustration. This was evident in the lack of explanation with respect to the use to be made of the photographs provided of Travis. Some explanation should have been given the mother.

3. There was a problem of jurisdiction with respect to which police force had the responsibility of taking the complaint and doing the investigation. There appears to be a traditional, though unformulated practice that the Royal Canadian Mounted Police was responsible for all Natives. It no doubt evolved historically, that the Indian was their responsibility. In this tragic affair, because the missing person was a reserve resident, he was automatically perceived to be the responsibility of the Royal Canadian Mounted Police. The fact that he spent most of his time in the City of Lethbridge, going to school, going to the boxing gym, socializing, etc., was not even considered. The fact that the place he went missing from was Lethbridge was ignored in this case.

   It is most unfortunate that a report was not taken by the Lethbridge City Police. In the weeks that were lost, memories faded, remembrances were clouded if not deliberately, completely lost. Physical evidence disappeared and has been impossible to recover.

   Steps have apparently been taken by the Chief of the Lethbridge Police to tighten up police procedures in this matter. It is understood that when a person now wishes to report a missing person, such a report will be taken as a matter of course. The matter of jurisdiction will be resolved between the appropriate police services. It is with some satisfaction that the Commissioner received this information.

4. It is painfully apparent, that the suggestion of depression and suicide, the suggestion of drinking (and that degenerates into drinking heavily) found its way into Constable Weber's file. This perception appeared very early in the proceedings. This

obscured the factual investigation by all police, including the pathologist and the Review Committee in the Chief Medical Examiner's Office who determined not to hold an inquiry under the *Fatality Inquiries Act.*

It remained a primary focus of the file throughout the whole proceedings. Constable Weber, to his credit, recognized and acknowledged this and is apologetic that such prejudgment so affected the subsequent proceedings.

The Commissioner was pleased that the Chief Medical Examiner became aware of this even before the Inquiry was instituted to re-examine this death. The Preliminary Death Certificate was the most accurate, based on the findings of the post mortem examination. The subsequent document only gave impetus to the doubts and suspicions of the mother. The Review Board was undoubtedly influenced by the second Certificate of Death in coming to the conclusion that a Fatal Inquiry need not be held.

5. It is regrettable but it must be said, that this missing persons file was not investigated in accordance with the time honoured procedures that both of these police forces operate under and which is set out in their operating manuals. The investigative trail has grown cold and is ever more difficult to follow.

Superintendent Cooper found this on his re-investigation of the case. He found no additional information that would or could further the investigation. He had other persons re-investigated to assist this Commission, but again, nothing of value was obtained to shed more light on the death of Travis John Many Grey Horses.

This Inquiry in its investigative process has likewise been unable to obtain new evidence. It is true that many questions remain unanswered. The memories of some witnesses were, or became faulty, due to certain drug and/or alcohol related lifestyles. Some also gave an outright denial of any involvement which was difficult if not impossible to penetrate.

The Commissioner holds the same reservations, doubts and suspicions that the mother and family still harbour concerning the death of Travis. The finger of suspicion does not point conclusively to any person. This file should be kept open by the Royal Canadian Mounted Police in anticipation of receiving some information which would shed more light on the matter.

2.3.2 IVAN GARY CHIEF MOON

2.3.2.1 Background of Individual

Ivan Gary Chief Moon was a 25-year-old member of the Blood Tribe who lived on the Blood Reserve. He had four sisters and four brothers. Although his mother was Mona Chief Moon he was mainly raised by his grand-aunt Minnie Chief Moon. At the time of his death he lived with his sister Peggy and her husband Roland Big Throat at Lavern on the Blood Reserve.

He had no special employment skills and when he worked, it was at labour jobs. He had lived common-law with Lorna Spear Chief and they were legally married in November, 1982. They separated in September, 1983 with divorce following in 1984. There were no children.

From the evidence given at the Inquiry, he generally exhibited a happy presence. His siblings and relations stated that he was always laughing and joking around. Other witnesses indicated, however, that when he was drinking he was most obnoxious. He did his drinking at the Bridge Inn in Lethbridge and frequently returned from there after having been involved in fights with persons he refused to identify. His former wife described him as being the sweetest man in the world when sober, but when drinking she indicated he became mean and obnoxious.

The Commissioner's reading of the evidence was that he was outwardly a happy-go-lucky person. He was also a lonesome person who felt his marital break-up very keenly.

2.3.2.2 Narrative of Events Leading to Death and the Discovery of the Body

Ivan Gary Chief Moon had obtained a considerable sum of money from his mother Mona. He told her that he had been invited to the University of Lethbridge Native students Christmas party when he saw her on Saturday afternoon December 8, 1984. That was the last time she saw him alive. His aunt Minnie also saw him on this same afternoon. Both women were glad to see him and stated that he was happy and sober. They had no cause for concern.

He was then seen by his cousin Clarke Bruised Head and Clarke's girlfriend at the Bridge Inn about 8:00 p.m. December 8, 1984. Clarke had gone to the Bridge Inn at around 7:00 p.m. Ivan Gary sat with Clarke for about two hours before he went with them to the Marquis Hotel at about 10:00 p.m.

There was a suggestion that they had stopped briefly at the Ming Tree restaurant on their way. They travelled in Clarke's car.

At the Marquis Hotel Ivan Gary attached himself to the party of his cousins Jordan and Michael Bruised Head. They left the Marquis as the banquet wound down and they went to the Ming Tree. They stopped at the home of a friend of Jordan Bruised Head's girlfriend for a short time. Ivan Gary, who was driving with Jordan, remained in the car. They then continued on to the home of Michael Bruised Head and Marian Merasty. Here they had some food and drank some beer. They danced a Russian dance at which Ivan Gary outshone the others in his athletic ability. Friends of Michael and Marian, Ray Wanuch and his wife, went home. Shortly after this Jordan and his girlfriend left. It appears that Michael and Marian thought Ivan Gary had left with Jordan, but a noise from the downstairs bathroom revealed that Ivan Gary was there.

They found him without his lower clothing. Marian insisted that Michael have him leave immediately. Michael got him dressed and fixed a bed for him on the chesterfield. Ivan Gary however, expressed different plans and left the house. Michael said it was about 4:00 a.m. whereas Marian said it was around 5:45 a.m.

The next apparent link in the last hour or two of Ivan Gary's life was a registered nursing assistant, Cindy Ponterollo, who was driving to work at the Regional Hospital. She saw a man staggering on the Whoop-up Bridge. She was concerned enough to phone the information into the Lethbridge City Police. As a result of this information, Constable Fast was dispatched to the area to check out this call. He did so but on finding no one, returned to his area of duty in downtown Lethbridge. This was now 7:00 a.m. December 9, 1984. At around 3:20 p.m. that same day, one Reg Allen reported finding the body of a man under the Whoop-up Bridge.

Constable Soroka, the senior constable on duty and Constable Carriere attended the scene and confirmed the finding of the body. Constable Townsend, the duty identification man, was called out from his home to the scene, as was Inspector William Plomp, the duty officer.

2.3.2.3 Medical Issues

As determined by pathologist Dr. Roderick MacKay, following a post mortem examination, the cause of death was "Multiple Injuries". The examination disclosed that there were superficial lacerations of the spleen and the liver. There were fractures of the 7th, 8th and 9th ribs resulting in the collapse of the lower lobe of the left lung. There was a two centimetre tear in the aorta just below the region of the left subclavian artery. All other organs were "unremarkable", that is normal and free of disease or injury. Externally there were some scratches and bruising, and most remarkable was that the nail of the left thumb was missing. The blood alcohol content was 200 milligrams in 100 millilitres of blood.

The medical examiner, Dr. D. Myre pronounced Ivan Gary Chief Moon dead at 4:00 p.m., December 9, 1989. He estimated that the time of death was probably around 6:00 a.m.

2.3.2.4 Post Death Investigations

Constable Carriere recognized Ivan Gary Chief Moon from previous encounters. He thought he was Dwayne Chief Moon's brother. This was an error in that Dwayne was a cousin. He eventually found Dwayne, who wanted his sister Norine to attend at the hospital with him to identify the body. They identified the body and then returned with Constable Carriere to the police station. Statements were taken from them. Constable Carriere requested that Dwayne notify the next of kin. Later that evening Constable Hastie and another officer located the mother, Mona Chief Moon and broke the news to her. Many statements were taken by the Lethbridge City Police.

There were some disturbing aspects which were not immediately clarified by re-examination and checking. The City Police searched diligently for additional evidence to satisfy rumors which were rampant about the circumstances surrounding this death. One witness, to his credit, came forward as the result of this Inquiry and testified to a circumstance which he felt might be of assistance and he is to be highly commended for his response.

The first area of concern was the evidence of Cindy Ponterollo. She did the right thing in reporting her concern for the "staggering drunk" on the west end of the Whoop-up Bridge. The police responded by dispatching then Constable Fast to the scene. The Commissioner has not been able to dispel the concern felt throughout, that the constable did a cursory patrol and returned empty handed to his regular patrol downtown. It was concluded from the evidence that his patrol coincided with the death of Ivan Gary Chief Moon. He could not have saved the victims life, nor could he have minimized or prevented his death agony. Had he been more thorough however, many of the family's concerns may never have surfaced. Indeed, many of the rumours would have been answered or squelched before they gained any credence.

The next issue which confused the situation in the minds of the family was the matter of the western style winter jacket. Ms. Ponterollo gave an accurate description of this jacket when describing the man she had seen. This description was seized upon by members of the family. Ivan Gary didn't like wearing winter wear. He preferred his jean jacket. The younger relatives remember him in the jean jacket. The description of the deceased, but for the jacket, fit the time of death. Ms. Ponterollo didn't think that the picture of the deceased fit her recollection almost five years later. She should have been shown the photographs back in December of 1984, but for some reason this was not done. Her memory at this late date was focused on the jacket. She had to, therefore, say that she didn't think it was the same man she saw on the bridge. It might be but she said she didn't think so.

Another issue was that of the time of leaving the Merasty residence. Michael Bruised Head said that Ivan Gary left the house at around 4:00 a.m. while Marian Merasty stated he left about 5:30 a.m. to 5:45 a.m. This discrepancy should have been rechecked but the police decided that Ms. Merasty was the more reliable witness. If it was assumed that the person Ms. Ponterollo saw was indeed Ivan Gary Chief Moon, and there was every indication that it could have been, this should have been more closely checked out.

Constable Soroka, as he then was, in the Commissioner's opinion reached his conclusions based on the assumption that Ms. Ponterollo was not accurate in her description, and that Michael Bruised Head's recollection was not as reliable as Marian Merasty's recollection of time. He then drafted up his chronology of events leading up to the tragic demise of this young man. He was in all probability correct, but he left a lot of "fuel" for the imagination of the surviving family and the friends of the deceased.

The last area of concern was the post mortem examination. Dr. MacKay was very honest in his conclusion. The cause of death was beyond dispute. The injuries he found were also beyond dispute. The missing left thumb nail was not such a traumatic circumstance, considering the irrefutable medical opinion that the loss of the nail occurred well before this young man died. The injury had already been well advanced in its healing process. The injuries were consistent with an 11-metre fall. The fact that they were apparently consistent with being struck by a motor vehicle was not as clearly acceptable. Dr. MacKay was reluctant to agree that the injuries were consistent with such a force, but conceded when pressed, that they might be. Dr. Butt, the Chief Medical Examiner, was not convinced at all. He had no doubt, as a forensic pathologist, that the injuries were really consistent with the deceased having fallen.

2.3.2.5 Comments

After a thorough review of all aspects of this tragic case, through sworn testimony and exhibits, the following comments can be made:

1. There was no specific officer in charge of the investigation. Because of this, voluntary assistance such as that received from Constable Fast, was not properly scrutinized and fitted into the overall picture. As a result, the information became buried in the file without proper assessment and follow up.

2. The officer who was directed to write the report failed to fully clarify the aforementioned discrepancies of description, and time, thereby allowing the rumours to spread and grow in the Native community.

3. Loose ends, such as the anonymous phone calls heard about in evidence should have been dealt with by following such leads, rather than disregarding them out of hand. A conclusion is reached and the evidence to support such a conclusion is accepted in a "scenario" format. The urgency to make everything tidy and neat has its drawbacks.

2.3.3 CEDRIC TIMOTHY MORNING OWL

2.3.3.1 Background of Individual

Cedric, son of Lily Morning Owl was 21 years old and unemployed at the time of his death. Cedric was known to sniff glue and frequent bars and lounges while keeping some very different and violent company. The matriarch of the family is Jean Bellows who is the mother of Lily Morning Owl. All were residents of the Blood Reserve.

Tragedy has struck this large family frequently during the latter years. Cedric was found dead November 22, 1986 while his uncle, Peter Bellows, was murdered in Calgary on the same date. Cedric's brother Clement and his nephew Clayton were potential witnesses but both perished in a house fire on the Blood Reserve in May, 1989 before they could testify before this Commission of Inquiry. Mrs. Lily Morning Owl, who was too ill to appear before the Commission, has regrettably passed away since. Despite these tragic occurrences in her life Mrs. Bellows testified with admirable fortitude and dignity before this Commission of Inquiry.

2.3.3.2 Narrative of Events Leading to Death and the Discovery of the Body

The Commission was unable to ascertain any specific details leading up to the death of Cedric Timothy Morning Owl.

At approximately 4:45 p.m. on Saturday, November 22, 1986, Arthur Johnson and Robert Johnson came into the Lethbridge City Police station to report seeing the body of a man. The body was located at the old railway station construction site at 1st Avenue and 8th Street South in the City of Lethbridge. Constable Holberton was the senior patrol constable on duty and was immediately dispatched, with the Johnsons, to the scene. Sergeant Robert Weir followed him almost immediately and arrived very shortly after Constable Holberton.

Holberton states that nothing was remarkable at the scene. His own words were, "nothing stood out, no blood or anything that I could see in the snow."

Holberton checked the body for pulse or breathing, but none was present. The body was cold to the touch and the officer felt rigour mortis had already started to set in. The clothing was soaking wet. The deceased was face down with the arms tucked under him. The long hair of the deceased was tightly entangled in the chain link fence. The windbreaker was pulled up around his neck, the arms were out of the sleeves but the windbreaker was still around the deceased's wrists. He wore jeans and good running shoes.

An identification member was called for and Constable Kreeft responded. He examined all tracks in the area, and examined the area generally, taking pictures and samples. The medical examiner arrived but had to wait 15 to 20 minutes before he was able to examine the body. This was so that the police officers could examine the area with the least amount of disturbance.

Dr. W. A. Gray, the medical examiner, examined the face down body. He then requested Kreeft and Holberton to turn the body over on to its back. To do this the hair had to be freed from the fence. Kreeft did this with a great deal of difficulty.

There were grey marks on the arms which were from gravel beneath the body. There was an abrasion on the cheek which was obviously from the gravel.

On the authority of Dr. Gray, the body was removed to the morgue at the Lethbridge Regional Hospital for a post mortem examination.

2.3.3.3 Medical Issues

Dr. D. C. Dobie, the Director of the Pathology Laboratory, was the pathologist assigned to do the post mortem examination. He received certain information from Dr. Gray about how and where the body was located. He received more detailed information from Constables Holberton and Kreeft. Dr. Dobie described in detail every step he took to the attending officers. He repeated this description to the Commission of Inquiry.

This was a healthy young man of 21 years of age. The deceased's tissues and organs did not disclose any disease. Subsequent toxicology report indicated 130 milligrams of alcohol in 100 millilitres of blood which was certainly not inordinately high. There were no drugs found.

The cause of death was determined to be hypothermia with ethyl alcohol toxicity. The doctor gave a careful description of his findings which enabled him to come to that conclusion. The Commissioner was much impressed with his meticulous approach. He was able to estimate the time of death to be 10 to 12 hours prior to the post mortem examination.

2.3.3.4 Post Death Investigations

The investigation by Constable Holberton at the scene was thorough, with some exceptions. It was obvious that he was concerned as to what had occurred. He was interested in getting Constable Kreeft, the Identification Officer, to the scene as soon as possible. He had the medical examiner notified. He subsequently did a lot of leg work in publicizing the photograph of the deceased in his attempts to identify him. As a result of this activity, the Natives became aware of the death of Cedric Morning Owl and he was subsequently identified at the morgue.

It was apparent through evidence, that the officers at the scene had come to an early conclusion that this death was an unfortunate accident and that Cedric's tragic demise was not the result of foul play. Indeed, the Commissioner was satisfied that their hasty conclusion was no doubt correct. They did, however, fail to follow proper procedures developed by police forces in most jurisdictions which included the Lethbridge City Police. They failed to secure the area over night to be thoroughly examined in the daylight. The investigating officer insists that he did not conclude that it was not a homicide until after the post mortem examination which was conducted the following day. Constable Kreeft took photographs of the scene that night. He again took photographs at the scene in the daylight hours of the following day and also took photographs at the autopsy. There was no justification for failing to secure the area, even if such work proved to be unnecessary.

The failure to systematically eliminate the footwear of all persons at the scene and, in particular, the footwear of the deceased created uncertainty in the minds of family members. The failure to follow up on anonymous information received from the Crimestoppers line regarding Jason Running Rabbit and Marvin Red Crow proved to be fuel for the rumours which began to circulate.

In this case there was a good deal of insensitivity exhibited by the officers who became directly involved after the death. This could have been avoided, to a large extent, had the investigating officer taken the file to conclusion. There was no coordination of the file by anyone. They put their bits and pieces of information into a report which found its way to the file. No single person had the responsibility to assess the file as it developed.

The identification of the deceased at the morgue was conducted through Constable Whelpley. This was a routine request from his superiors. He dealt with the mother Lily Morning Owl, a person with limited skills in English, as well as Cedric's grandmother, Jean Bellows, (Lily's mother) who had little, if any, knowledge of the English language. Mrs. Bellows collapsed during the traumatic experience of identifying the deceased. After the identification Constable Whelpley acceded to their request to take them to the bus depot rather than insisting on giving them a ride to a family member's home. This can only be interpreted in retrospect as insensitive. This was not deliberate, but it just wasn't given enough consideration. Then, added to this already traumatic situation, Jean Bellows was immediately advised of her son Peter's murder in Calgary. She was requested to find her way to Fort Macleod to identify the body. Jean lost a son and a grandson, and Lily lost a brother and a son, both confirmed on the same morning.

In the opinion of the investigating officer the following scenario probably occurred;

> "At this time the subject was coming from the tavern in the downtown area. He decided to take a shortcut across the field, possibly went down the side embankment head first. Got his hair entangled, got himself turned around and tangled even worse, tucked his arms underneath him and went to sleep after pulling his coat up around to keep his head warm. At this time no foul play is suspected in the subject's death".

This probable scenario was written prior to identification of the body but after the post mortem examination. It is obvious why no further investigations were made or followed up. Such an early conclusion resulted in the investigation being less than vigorous. Perhaps even more important to the family involved, it apparently caused the Fatality Review Board to conclude that an Inquiry was not necessary.

2.3.3.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. There was no specific officer coordinating this investigation. No single person was responsible for assessing both progress and adequacy of information on this file. The police will say that their manual covers this, but it was not followed in practice in this case.

2. The investigation at the scene, in general, covered the necessary ground. However, there were some omissions. The area was not secured for a thorough investigation during daylight hours. Footwear of the

deceased, and others, was not systematically eliminated for footprints at the scene.

3. The failure to follow up on information received regarding Jason Running Rabbit and Marvin Red Crow, only fuelled "the rumour mill".

4. The insensitivity shown by individual police officers, albeit not deliberate, to Mrs. Bellows and Mrs. Morning Owl was generally apparent in evidence presented. These women should have been provided a ride to a family member's home in Lethbridge. They should have had a Native with them to interpret for them.

2.3.4 ALVIN BERNARD SHOT BOTH SIDES

2.3.4.1 Background of Individual

Alvin Shot Both Sides was the eldest of the numerous children of Bernard Shot Both Sides and his common-law wife Ella Chief Moon. He was 25 years old at the time of his death. He was a resident of Lethbridge. According to his father, Alvin had quit school in 1975 because of his drinking. Statements given at the time of his death clearly indicated that he was a binge drinker. He had a severe alcohol abuse problem.

His mother continually urged him to curb his drinking, but to no avail. His uncle Donald tried unsuccessfully to get him to stop drinking. Donald struck the Commissioner as being deeply saddened by the loss of his nephew, Alvin. He had a sincere affection for this young man, who had looked after him on many occasions before he himself had achieved sobriety. His sense of loss was deepened by his inability to get Alvin to stop drinking.

Through the statements of close family members, it is clear that on at least three different occasions Alvin suffered from delirium tremens (DTs). There was the episode on an uncle's farm when he passed out while drinking water. On another occasion, during the winter, he visited two of his uncles who were working on repairs at the church. Alvin was described as being so disoriented that he wandered outside, in very cold weather without wearing warm clothing. They took him to the hospital for his safety and for treatment. Donald described him again in the first week of June, 1981, as either having, or about to have delirium tremens. There is no doubt, from the statements of family members that Alvin was unwell on the last day that he was seen, which was July 19, 1981 in Lethbridge. Most said he was sick, but his brother-in-law stated his illness was a hangover.

It was apparent that he had been drinking heavily for two months and in particular for the last three weeks of his life. On the last day he was seen, he refused alcohol or a drink of beer. He was sober and he was sick, physically, if not also ill mentally. His actions and utterances were certainly out of character.

2.3.4.2 Narrative of Events Leading to Death and the Discovery of the Body

The Commission was unable to ascertain any specific details leading up to the death of Alvin Shot Both Sides.

A body was discovered by a man and wife who were horseback riding above Whoop-Up Drive in an area on the west side of the City of Lethbridge.

The discovery was made a few minutes after 11:00 a.m. on July 31, 1981. Upon receiving the "complaint" Constable Wilson was immediately dispatched to the scene with instructions to secure and protect the area. Sergeant W. Plomp arrived shortly thereafter to commence his investigation.

The area is the prairie above the river bottom or coulee. The fence is not visible from the roadway below, nor could the body be seen draped over the fence. Access to the area by foot or vehicle is limited, there being no roads or trails. It was pure chance that the riders had selected this remote area and found the body.

The body was found draped over the top strand of three smooth wires between fence posts. This separated the flat area from the steep incline down to the drive some distance below. The body was arched, face up, with the head touching the ground towards the hill. The feet were flat on the "inside" of the fence and the knees were bent. The wire supported the body in the small of the back area about 24 inches above the ground. The body was badly decomposed. It was impossible to ascertain racial origin. Identification was not possible from the facial features.

The clothing appeared not to be in any disarray. The clothing would be classed as "western" in style. The boots were brown western boots and the pants were faded levi jeans. The shirt was lime green with five buttons in front and two buttons on the sleeves.

There was no wallet, money or jewellery of any kind. No identification was found on the body.

A careful search of the area for a radius of 50 yards failed to reveal any signs of struggle. The ground around the feet was undisturbed. No foreign or man-made articles such as cigarette butts were found in the search area. The natural vegetation was not disturbed.

The body was so badly decomposed that signs of injury or trauma could not be ascertained. It was classed as a suspicious death. Upon the authority of the medical examiner, Dr. Walter Gray, the body was removed for post mortem examination to the Lethbridge Regional Hospital. Dr. E. I. Watty was designated as the pathologist.

2.3.4.3 Medical Issues

The written report from Dr. E. I. Watty was brief, to the point of being sketchy. It was necessary to cross-reference the autopsy report with Sergeant William Plomp's report as the police officer attending the autopsy. By doing this, it became again obvious that it was impossible to ascertain any external indications of force, trauma or violence to the body due to its advanced stage of decomposition. From Sergeant Plomp's notes, which were made as a result of the running commentary of the pathologist, there was no indication of injury ascertainable from the examination of the interior of the skull. Trauma cannot be eliminated, perhaps it can only be relegated to a possibility.

All organs, with the exception of the gall bladder, were too badly decomposed to enable the pathologist to come to any conclusion or opinion. It was impossible to obtain any samples for laboratory or toxicological analyses. The only exception was that three broken ribs were found and subjected to microscopic examination. It was determined that the healing process was already well underway. This injury had pre-dated death by some time and had no bearing on the cause of death.

The cause of death is therefore "Undetermined".

Dr. Watty has been long absent from Canada. As a result, Dr. Dobie explained the report to the Commission. He felt that a more thorough investigation of the back area where the wire supported the body could have been made, but he was emphatic that "foul play" was not apparent as the cause of death. He agreed with the classification of "undetermined". Dr. Butt, the Chief Medical Examiner and forensic pathologist, also concurred with Dr. Dobie.

2.3.4.4 Post Death Investigations

After the post mortem examination, the question of identification became crucial to the investigation. An advertisement was placed in the Lethbridge Herald on August 1, 1981, giving notice of the finding of the body. It gave a description of the outer clothing. A cut in the deceased's boot was not mentioned.

At the urging of the grandmother Mary Chief Moon, Alvin's cousin Gary, accompanied by Linda Little Moustache, visited the Lethbridge Police Station. Gary reported that his cousin Alvin Shot Both Sides had been missing since July 19, 1981. The description seemed to fit Alvin. No missing person's report had been filed, either in Lethbridge or Cardston.

Sergeant Plomp visited the grandparents, Victor Chief Moon and his wife, Mary. He also interviewed Myra Chief Moon and Shirley Chief Moon. Their description of the clothing was consistent with the clothing worn by the deceased. They confirmed he never carried a wallet and above all they identified the boots with the cut. They all signed a statement to that effect.

The Sergeant then located the father, Bernard Shot Both Sides. He confirmed the clothing worn by Alvin. He confirmed the broken ribs. Bernard indicated that his son went missing on July 19, 1981. He advised that his son was an alcoholic and that Alvin had been drinking heavily.

Sergeant Plomp next interviewed Bernard's wife Ella, Dennis Chief Moon, Donald Shot Both Sides, Paul Bare Shin Bone, Sally Chief Moon, and Delvin Chief Moon. These persons all identified, in varying degrees, the clothing of the deceased as that worn by Alvin.

It was discovered that Alvin had dental work done by Doctor Bullock. The dentist identified the deceased through his dental charts as Alvin Bernard Shot Both Sides. It was also discovered that the deceased's medical records were held at the Roy Clinic.

To this point, the investigation has been thorough and conducted with vigour and expediency. The family had been notified of the investigation including the progress and developments almost as they occurred.

The Police had no Cause of Death from the post mortem examination. They had no physical evidence to put a logical conclusion into their file to complete and close it.

Inspector Plomp indicates that the best they could do was develop a theory. This theory was also forwarded to the office of the Chief Medical Examiner who reviewed it and passed it on to the Fatality Review Board. He indicates that in the theory, the following is a possibility:

> "Alvin Shot Both Sides left his apartment at Number 9, 202 - 13th Street South, Lethbridge, at about 7:00 p.m. July 19, 1981. Although he had turned down some beer in the afternoon that date, there is a strong suggestion that he was approaching the DT state. That he had been drinking heavily for some days prior to this, especially on the night of July 18, 1981, when he had been refused service in two of the local taverns because of his intoxicated state. It is suggested that Alvin Shot Both Sides may have found someone on Sunday, the 19th, during the evening, and consumed some more alcohol.
>
> Through interviews, it was suggested that Alvin may have known some of the Natives in West Lethbridge and - inclusive of his aunt, of course -- it is further suggested that Alvin was walking to West

> Lethbridge, and after climbing the long hill, may have been tired. He stepped over the fence and then either losing his balance or leaning backwards against the wire to rest, or a seizure, he went over backwards with the upper strand of wire at the balance point of his back. Because of either an intoxicated state or a seizure, he stayed in that position, which by nature, forced the blood to run to his head. Being in that position for an extended period of time, he may have aspirated and died as a result of that."

2.3.4.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. The police had it on good authority that Alvin was an alcoholic. The family members were almost unanimous about that. They also indicated he was unwell, or sick, or as one said, "he had a hangover". There was some evidence that over a period of time he had suffered from delirium tremens on at least three occasions. In fact, one of these episodes resulted in his hospitalization at Fort Macleod.

2. It is regretted by the Commissioner that it was felt necessary by Sergeant Plomp, in tidying up his investigation, to provide a final scenario on how this death occurred. It was misleading to the family members. They only took from it what they wished to criticize or which triggered their own imagination. It, once again, fed the inevitable rumours which spring up around sudden or suspicious deaths. Most importantly, it did a great disservice to the Fatal Inquiry Review Board who were, no doubt, greatly influenced by such a neat and tidy scenario when deciding whether an Inquiry should or should not be called.

3. The strong antagonisms and beliefs of discrimination against the Indians by white man's justice was a powerful influence in the manner and content of the

evidence given by some of the Native people. John Chief Moon's evidence was forceful, but illogical. His wife fell back on the discrimination theme time and time again in support of her husband. Delvin Chief Moon changed his story to be almost diametrically opposite to the statement he gave the police within a matter of three weeks of his brother's death when the memory of circumstance was fresh in his mind.

Donald Shot Both Sides was compassionate, concerned and steadfast both at the time of the tragedy and at the time of testifying before this Inquiry.

2.3.5 CHRISTOPHER GEORGE TWIGG

2.3.5.1 Background of Individual

Christopher Twigg was a Blood Tribe member who lived on the reserve with his wife and five children. He was 30 years of age when he passed away. He appears to have been a quiet person and very shy in the company of others. Christopher lived across from Hugh Tallow, a neighbor, who sometimes employed him. Tallow was the concerned person who had the Blood Tribe Police come to assist Christopher. He was the last person from the Reserve to have seen the deceased, other than the Blood Tribe Police officers who took him to Fort Macleod to receive medical treatment.

Henry Big Throat, brother-in-law of Christopher, described him as a person who did not have too many friends. He was a loner. Christopher married Diane in 1965 and they had five children. It was reported that he was a good family man and wanted only the best for his children. Henry said, however, that when Christopher got drunk he could get very violent, citing an incident when this violence was exhibited towards Diane and her father.

Diane was also a shy person. She stated that for eight or nine months before his death, Christopher had been drinking heavily. This caused a lot of strife in the family. It was not clear who forced the other out of the house, but it appears that Diane and the children left to live with her parents at Standoff. Christopher remained the neighbour of Hugh Tallow. Diane stated that she last saw him two weeks before his death, at which time he was drunk, but apologetic.

2.3.5.2 Narrative of Events Leading to Death and the Discovery of the Body

Beatrice Big Swallow, Christopher's aunt, saw him the morning he was taken to the hospital. She stated he was acting strangely and kept saying he did not feel well. Hugh Tallow had informed her that Christopher was chasing cows and horses out of the field. Since there were no cows or horses in the field, he called for an ambulance. Beatrice believed that Christopher was drinking because his in-laws had been living with Christopher and Diane. Diane waited on them and would drive them wherever they wanted to go, thus disrupting the Twigg family.

In response to Hugh Tallow's call for the ambulance, two Blood Tribe officers responded. One of them was Constable Dan Cotton. They had no difficulty in persuading Christopher to come with them. They took him to the

Wright Clinic where Dr. Bayliss saw him briefly, and then had them take Christopher to the Fort Macleod Hospital for admission.

Sean Moore, an orderly at the hospital admitted Christopher George Twigg at the direction of Dr. Bayliss at 2:45 p.m. on August 4, 1977. During the admission he performed the routine required of him. He got Christopher into hospital pyjamas and hung his clothes in the closet. He took the patient's temperature, pulse, respiration, blood pressure and weight and recorded them. Moore stated Christopher wanted a bath and he was allowed to have one. When Moore left, the patient was talking to himself and looking out onto the lawn.

Ms. Susan Frayn, R.N., dealt with this patient between the hours of 3:00 p.m. and 11:00 p.m., August 4, the day of admission. She indicated that the patient was a very agitated, nervous man. He paced the halls most of the time. He rambled on, talking to himself as though hallucinating. When spoken to he was coherent only for a few seconds and then lapsed into rambling talk, making no sense whatsoever.

During the evening he spent most of his time having baths. All that could be obtained from him was that he was trying to find some men that were between the walls. He was once found talking to a non-existent person outside the emergency door. He was returned to his room where he continued to ramble on.

Twigg was on oral medication, which was not having any noticeable effect. The nurse advised Dr. Bayliss at home of this at 10:00 p.m. and described the patient's agitation and his apparent visual and auditory hallucinations. Dr. Bayliss ordered an intra-muscular injection. This medication was administered but produced little effect on the patient. The patient remained in his room until the night nurses came on.

Victor Chief Moon was the other patient in the room when Christopher Twigg was admitted. Christopher appeared alright to Chief Moon, but then he started talking to himself and paced the room. He had three or four baths. Chief Moon stated that Christopher was noisy and required the nurse's frequent attendance to calm him down. The nurses would put him to bed but as soon as they left he would be up again. He would talk to the window or to persons outside although there was no one there.

Victor heard the emergency door open around midnight. He went to the door and found it open. He checked the bathroom and when he found no one there he checked the closet. Christopher had left his pyjamas on the bed and donned his own clothes from the closet. All Christopher left behind was what looked like a shirt. Victor notified the nurses that the patient had left. They looked outside with a flashlight and then checked inside the hospital. Staff then notified the Royal Canadian Mounted Police and gave them a description.

The time, as recorded by the Director of Nursing, Mrs. Knott, was 12:10 a.m., August 5, 1977. Constable Dan Ford was on duty with Special Constable Dan Chief Moon. No police officers came to the hospital until after the body was found. Corporal Porrier took statements from all the staff on August 18, 1977.

The Town of Fort Macleod had a pilot plant built for water and sewage treatment. It was the first of its kind in Canada and it had been completed in November, 1976. The town was still in the process of taking it over. Being a pilot project, there were many visits by building and engineering representatives during this take over period. It so happened that in the week prior to August 16, 1977, the engineers and the plant staff were trying to ascertain a problem with the digester. That there was a problem was evidenced by foaming in the digester, and the presence of a strange odour.

The sewage tank was 110 feet long, 22 feet wide and 15 feet deep. The material or sludge in the tank was two to three feet from the covers at all times. The tank could hold 90,000 imperial gallons of sewage. The sludge circulated in a counter clock-wise motion. Wooden pallets, 10 feet by 4 feet, covered the west end of the tank up against the machinery building. Concrete pre-cast covers 10 feet by 4 feet by 10 inches covered the remainder of the tank.

The plant employees had been working with the consultants for several days. There was a continual coming and going of personnel during such periods while problems with the plant were sorted out by the contractors and the local staff.

During the day of August 16, 1977, it was necessary to call a back-hoe to lift the heavy concrete covers to enable the men to observe the whole interior of the tank. The body was discovered after the removal of the second cover. The cover was approximately in the middle of the tank's length and on the south side of the tank. All equipment and machinery was immediately closed down and the Royal Canadian Mounted Police was called.

Corporal Porrier immediately responded, closely followed by Corporal Wiebe, the Acting Detachment Commander. The body was removed by hooking on to the broad leather belt worn by the deceased and removing the body with the back-hoe. The body was obviously in a very advanced stage of decomposition. Identification personnel from the Lethbridge General Investigative Services Unit were called in because Corporal Porrier believed that he saw evidence of bruising on the side of the head. The Medical Examiner's Office was notified and Dr. K. Adler attended the scene. After examining the body he released the body to the police. It was transported to the Lethbridge Municipal Hospital. Dr. J. C. Dobie was the pathologist who did the post-mortem examination. Identification was effected by the recovery of Twigg's wallet which had his name imprinted on the plastic window.

2.3.5.3 Medical Issues

The body, as presented to the pathologist, was partially decomposed. It was covered with sewage. The body was dressed in a short-sleeved green shirt (which is believed to be the hospital green pyjama top). He wore fawn coloured trousers fastened by a broad leather belt. He had a knitted blue sock and a western-type boot on the right foot. Evidence shows the left boot was retrieved from the tank at the same time the body was recovered.

The pathologist stated that on close examination of the body there were no external signs of superficial injury. No signs of scars or marks of violence could be seen. The pathologist stated that such signs could not be ascertained visually because of the advanced stage of decomposition. He accordingly had the body completely x-rayed. The x-rays did not reveal that the deceased had been subjected to any physical violence. Internal examination likewise failed to reveal any evidence of physical violence.

Dr. Dobie was of the opinion that the toxicological examination of the bile might reveal some presence of drugs. The question he attempted to answer was whether the deceased was alive or dead upon entry into the tank. Toxicology failed to produce any evidence of drugs. He felt that the sewage material in the pharynx, larynx and trachea suggested that he was alive upon entry into the tank. He would have felt more certain of this if the material in the stomach, which appeared to be sewage in his opinion, had been analyzed and found to be the same material. Unfortunately, the laboratory failed to do this. This unfortunate omission does not really diminish his conclusion which is accepted as follows:

> "With reference to all the facts now known in the history and from the physical examination, it would appear most likely that the deceased died from drowning or asphyxia after entering the sewage plant".
>
> The cause of death was "drowning".

2.3.5.4 Post Death Investigations

The post mortem examination was conducted on August 17, 1977. Corporal Porrier took statements from all the hospital staff who dealt with Christopher Twigg from admission, at the direction of Dr. Bayliss, to 10 minutes past midnight on August 5. Corporal Van Roon of the Lethbridge General Investigative Services Unit located Victor Chief Moon, who was the patient in the same room that Christopher Twigg was admitted into.

Corporal Denforth, and his dog did a thorough search of the surrounding area of the Fort Macleod Water and Sewage Treatment Plant. Although the search was exhaustive, nothing was turned up. This was done in the presence of Corporal Wiebe, the Acting Detachment Commander.

Corporal Wiebe had requested the Cardston Detachment advise Diane Twigg, the wife of the deceased, to attend in the Fort Macleod Office to be interviewed. The content of the statement taken would not have met with the approval of a good supervisor in the Royal Canadian Mounted Police. Upon review of the written statement of Diane Twigg, the Commissioner is of the view that it was incomplete and unsatisfactory. The whole interview was conducted with dispassionate insensitivity.

2.3.5.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. Since Hugh Tallow had his wife call the Blood Ambulance to get some assistance for Christopher Twigg, he should have been interviewed by the police. His evidence of the hallucinations, and the strange behaviour of Christopher Twigg was very cogent and pertinent to the investigation of this tragic and bizarre ending of this man's life.

2. The same could be said for the deceased's aunt, Beatrice Big Swallow, since no one contacted her. The result of this was that it failed to unravel the next-of-kin situation. This was probably an extreme situation, even for Blood cultural practices of raising children. Christopher Twigg was the natural son of Margaret Hind Bull, but had been adopted by Elizabeth MacDonald when he was one month old.

This became very clear in the evidence of Barbara Scout, Mrs. MacDonald's daughter.

When these concerned women, in whose family Christopher Twigg had been adopted and raised, sought information from the police, they were denied information because they were not blood relatives. It was obvious that their concern far exceeded that of any other person at the time. That was a hurtful rebuff, which would never have happened if more sensitivity or even courtesy had been exercised by the police.

Again, when the Fatal Inquiry was convened in March and April, 1978, Barbara Scout attempted to express her dissatisfaction and the hurt done to her mother, Christopher's adopted mother. They were accepted as next-of-kin by the presiding Judge, and the counsel representing the Attorney General, but were restricted to "evidence" concerning the death, and not "evidence" as to the treatment afforded the survivors. Her subsequent conduct and attitude before the Fatal Inquiry, and before this Commission of Inquiry was regrettable but certainly understandable.

The whole process in this case would have been acceptable in the eyes of the Native if more care had been exercised in dealing with the "true" family and the wife of the deceased. Instead, the rumours were rampant, the suspicions were many. As time went on, these became more entrenched in the minds of the several families who were closely concerned with this man's death. The dissatisfaction has spread to the whole Native community and is difficult to overcome.

3. Christopher Twigg was routinely treated by Dr. Bayliss. The hospital admission was done as a matter of course. His treatment was varied though this proved to be ineffective. The patient would have had to wait until the next morning for a complete examination by the doctor. The nursing staff did their best, but did not have the authority to really deal effectively with this patient.

4. That Christopher Twigg was not functioning as an ordinary man is beyond dispute. We cannot possibly put ourselves in his mental frame of mind, nor by any stretch of the imagination could we anticipate what he was thinking or what he would do.

The Commissioner is satisfied that Christopher Twigg found his way into the Treatment Plant Compound through the pedestrian gate. This opened normally and easily because of the defective locking system. It is believed, because of the lighting system, that he found his way up the iron ladder and on stepping over the side of the roof, fell into the tank where the wooden pallets had been removed and left open during one of such numerous problem periods which occurred during the take over of the treatment plant. The Commissioner believes this occurred during the very early morning hours of August 5, 1977.

2.3.6 MIKE EAGLE BEAR

2.3.6.1 Background of Individual

Mike Eagle Bear was a 59-year-old Blood Indian at the time of his death. He was a member of a large prominent family. His daughters were all married, as were both his sons. Gilbert was a child care worker whereas the older son farmed on the reservation. The deceased had worked both on and off the reservation and had done well. It was admitted that he had a drinking problem earlier in his life, but he became a recovered alcoholic and did not drink for five or six years.

After several years in the Edmonton area, Mike Eagle Bear and his family returned to their home on the Blood Reserve. Mike then worked on his son Alphonse's farm. He slipped back into drinking, probably in the fall of 1982 after the farming was completed. According to Alphonse, he then started drinking heavier and for longer periods in the week. This seems to be borne out by other family members.

It is apparent from medical information that he was a strong robust individual, able to do a long day's physical labour despite his advancing years. He is survived by his wife and his sons and daughters.

2.3.6.2 Narrative of Events Leading to Death and the Discovery of the Body

It appears from testimony that Mike Eagle Bear had purchased some wine and then visited his friends Wilfred and Helen Good Rider at their residence in Standoff after the supper hour on April 15, 1983. There were other friends visiting the house. It is apparent that Mike Eagle Bear left the house at approximately 1:00 a.m., April 16, 1983 with the intention of going home.

Subsequent information, from his nephew's wife Caroline Weasel Fat, indicates that she saw him around this time. She was going to her mother's residence to pick up her child. She believes that Mike recognized his nephew's car and was going to approach the vehicle in order to obtain a ride home. At that time Mike was walking by himself, not staggering, and appeared normal.

Police investigation subsequently determined that Mike was apparently followed out by several younger men when he left the Good Rider residence. Their intention was to take from Mike Eagle Bear the wine he still had in his possession.

On her return from her mother's house, Caroline saw Mike Eagle Bear again. This time he was lying on the ground and several men were around him. As she approached, these men walked away. She became very alarmed and drove to the residence of Anita Singer, one of Mike Eagle Bear's daughters. Anita was home alone with her three month old child. Caroline briefly told her what had happened. It was obvious that Anita could not go to the scene, so Caroline returned to it.

Anita phoned the Blood Tribe Security Office and asked them for assistance. She spoke to Harrison Wolf Child. She told him someone was lying in the street and she thought it was her father, Mike. Harrison Wolf Child radioed the incident into the Royal Canadian Mounted Police. This was relayed through Lethbridge Royal Canadian Mounted Police Communications to Constable Begg and Constable Andreucci of the Cardston Detachment who were, at the time, on patrol on the Blood Reserve.

Harrison Wolf Child and Richard Day Chief discussed the matter and decided to take the Blood Tribe Ambulance to the scene of the man lying in the street in Standoff. Harrison was motivated by the fact that he knew Mike Eagle Bear.

They arrived at the scene at the same time as Caroline Weasel Fat returned for what appears to be the third time. They recognized Mike and were of the opinion that Mike had passed out. He was lying on his back and they noticed a bottle of wine stuck into his pants. Harrison and Richard decided to place him on the stretcher with the intention of taking him to the hospital at Cardston. Caroline assisted them at their request by holding the stretcher steady. She too thought Mike had passed out from drinking, but did not have a recollection that there was any smell of alcohol. She was within a foot's distance from his face. These people did not see any signs of injury to the person of Mike Eagle Bear. His eyes were closed and he made no response to questions.

Harrison and Richard either had just placed Mike in the ambulance, were in the process of doing so, or were about to place him into the ambulance on the stretcher, when police arrived. There was some confusion on the evidence on this point. Caroline had returned to her vehicle and was watching the situation.

Constable Begg and Constable Andreucci arrived as directed by radio. Constable Begg recognized Mike Eagle Bear. He was told that Mike had passed out, or he made that observation, which was agreed to by the two ambulance attendants. This was the presumption of Mike's condition, which persisted throughout this affair. It was a conclusion assumed, and all persons who came into contact with Mike thereafter either worked to justify that conclusion or worked from that conclusion.

The officers decided to remove the unconscious man from the ambulance (if he was in fact already there) and from the stretcher into the back of the police car. They were motivated in saving the ambulance a trip to Cardston. The ambulance attendants were relieved that they did not have to leave the security office unattended. Caroline was relieved that Mike was going to be looked after. The Natives believed, and quite rightly, that the police were going to take the unconscious man to the hospital. The police unfortunately, classified Mike as having passed out from alcohol, which was reinforced by the ambulance attendants. They decided to take him into the Cardston Detachment cells.

The practice of the police at that time was to take the individual into protective custody and then release the person without charge in the morning, after recovering sobriety. The police officers' patrol then became busy. They had one person with them that they had just arrested on an outstanding warrant. On the way to Cardston, they were diverted to a disturbance and they arrested another person. There now were five adults in the police vehicle, including the unconscious Mike. It should be noted that Mike was a stocky powerfully built man of approximately 175 pounds. It was difficult to move him around because of his unconsciousness. It is also noted that Constable Begg was aware of a strong smell of alcohol emanating from Mike Eagle Bear.

They proceeded to the Royal Canadian Mounted Police cells with the prisoners. The female prisoner was booked in first, and then the male prisoner. After this, they moved the unconscious Mike from the vehicle by means of a chair with castors. After booking him in, they placed him on a blanket and pulled him along the floor to the cell used for inebriated persons. He was the only occupant. This required the assistance of two other officers.

Corporal Halfhide and the guard on duty made Mike Eagle Bear as comfortable as they could. Constable Begg saw the abrasion on the back of the head of Mike Eagle Bear, but the officers thought nothing of it. The injury caused no alarm in the officers' minds. They were satisfied that they were still dealing with a person who had passed out from the consumption of alcohol.

A wet towel was put around Mike's neck for his additional comfort. The guard was instructed to check him closely, at least every 15 minutes. He was required to advise a regular member immediately if the man showed any change of condition or distress. Constable Begg returned to the booking area and completed his paper work.

Guard Johnson, who has since passed away, noticed that Mike had vomited, and that the vomit was not normal. He alerted Constable Begg and they entered the cell immediately. It was obvious that Mike Eagle Bear was in distress, even though he was still unconscious. Constable Begg instructed an ambulance be called from the hospital.

The registered nurse on duty immediately called the duty ambulance personnel. James Taylor, an emergency medical technician and registered nursing assistant responded to the call accompanied by Ed Shields in the ambulance. They arrived at the Royal Canadian Mounted Police cells at 6:10 a.m., April 16, 1983. They were immediately taken into the cell where the patient was. He was almost face down on the concrete floor of the cell.

Mike did not respond to verbal stimulus, so Taylor turned him over in order to do the primary survey such as checking his airway and his pulse. He could not open the patient's mouth to check the airway. This was of concern because the patient had vomited. If there was a smell of alcohol, it was not noticeable over the smell of vomit. The patient was in obvious respiratory distress. Taylor also stated that he was unable to open the eyes of the patient. The decision was made to quickly transport him to the hospital.

Taylor tried to get all the information that he could about the patient. He noticed that the patient was clammy and perspiring excessively. Mike's shirt was wet when he turned him over. Taylor particularly noticed that the floor of the cell was dry. He recalled Constable Begg suggesting epilepsy. He stated Guard Johnson mentioned the abrasion on the back of Mike's head. Taylor learned that he had been found on the side of the road, probably early in the morning hours and taken to cells. The patient's condition worsened in the hour prior to the ambulance being called. There was no history of assault and liquor was not mentioned. He was identified as Mike Eagle Bear.

The patient was transported to the Cardston Municipal Hospital and received by the registered nurse on duty, Cheryl Beazer at approximately 6:30 a.m. Taylor stayed and assisted the nurse in his capacity as a registered nursing assistant. He states he relayed all he knew of the patient to the nurse and later to the doctor.

Dr. Van Orman, the duty doctor as of 6:00 a.m. that morning, was noted in the Nurse's notes as arriving at 6:40 a.m. Taylor stated that he started giving the doctor the history as he knew it. The doctor, however, as he later testified, admitted that he stated immediately that he recognized Mike Eagle Bear. He advised Nurse Beazer and Nursing Assistant Taylor that he had saved this man's life before and that Mike had had problems with his kidney and liver functions. It appears that he, in fact, had treated Mike in 1972, 11 years before. Taylor's assumption was that the doctor felt the patient had the same problems, that is, advanced cirrhosis of the liver and kidney problems.

When transported to the hospital, Mike Eagle Bear was rigid of limb and body. Nurse Beazer indicated she was dealing with continuous seizuring when Dr. Van Orman arrived. The doctor stated Mike was suffering from acute grand mal seizures. He was having trouble with the patient's airway and the patient had probably aspirated some vomitus. He was also very cyanotic. In other words, this was a very sick man. Dr. Hollingsworth was called and cleared the airway at 7:40 a.m. to relieve the breathing problems. The patient was stabilized by 11:30 a.m., at which time he was put into the Intensive Care Unit on the second floor.

Dr. Van Orman had no recollection of the abrasions on the back of the head. The doctor testified that he assumed he checked, but appears to have relied upon the nurse's examination and the fact Mike had been bathed a couple of times. Nurse Beazer stated she did not see any injury or bleeding. James Taylor stated that he told both the nurse and doctor of the head injury.

In the trial of the person who was subsequently convicted of assaulting Mike Eagle Bear, the doctor stated categorically that he examined the head area and found no injury. All he could state at the trial and before this Inquiry was that there were some marks on his back which would be consistent with a fall to the ground.

Dr. Van Orman treated this patient for cirrhosis of the liver and kidney problems. The initial presumption of a man who had "passed out" from the over consumption of alcohol was once more independently arrived at for the fifth time. It governed the conduct of the Native ambulance personnel, the niece Caroline, and the actions of the daughter Anita when she phoned the Blood Tribe security. It resulted in Constable Begg's decision to lodge Mike Eagle Bear in cells rather than take him to the hospital. It now resulted in treatment based on an assumption rather than a diagnosis. The patient was receiving valium, dilantin and librium for the seizures which were diagnosed as being the result of delirium tremens. Dr. Van Orman testified that "passed out" persons were a common occurrence at the hospital.

The family of Mike Eagle Bear were summoned to the hospital, because he was obviously critically ill. Among those who arrived and was spoken to by the doctor was the son, Alphonse. Dr. Van Orman advised him that his father was dying of cirrhosis of the liver. This surprised the son because Mike had, at one point, been away from drinking alcohol for five to six years. The only medical problem the father had was high blood pressure for which he was taking medication. The deceased had never had a diagnosis for epilepsy, diabetes, nor had he ever had any seizures.

In fairness, the doctor did have a history given by a daughter that his patient was drinking on Thursday through to Sunday. He also had the history that the patient had been picked up on the side of the road. He, however, knew that the patient had remained unconscious at all times. There was rigidity of the limbs, and there was respiratory distress. These symptoms worsened until he was hospitalized. Mike Eagle Bear's condition continued to deteriorate and he expired at 6:33 a.m., April 17, 1983.

Dr. Alan Van Orman signed the Death Certificate noting the cause of death to be aspiration pneumonia, acute liver failure, acute alcoholism, cirrhosis of the liver, hypertension, diabetes. These causes of death were all natural causes and normally do not require the intervention of the Medical Examiner's Office. This does not, however, account for the fact that he had been in police cells for four hours before transfer to the hospital. This should have automatically brought it into the medical examiner's jurisdiction. The deceased's brother Stanley was not satisfied as to the cause of death and wanted an autopsy. Subsequently, Mike's son Gilbert signed the general standard authorization form for a post mortem examination. It was witnessed by Dr. Van Orman.

One of the nurses advised the Royal Canadian Mounted Police that Mike Eagle Bear had passed away at approximately 6:40 a.m., April 17, 1983. This was almost exactly 24 hours after his transfer from cells. As a result, Constable Griffiths attended to get the required finger prints for identification. This would remove Mike Eagle Bear's name from police records. When he arrived, the family was still all present and he saw Mike in the emergency room. He did not carry out his original intentions, out of consideration for the family, but he did talk to Dr. Van Orman.

He suggested to the doctor that an autopsy would be required because the deceased had been in police cells for four hours. There was also the abrasion on the back of the head, as noted by the police. The net result, regardless of who initiated the post mortem examination, was that such an examination was carried out in Lethbridge by Dr. R. W. MacKay at St. Michael's Hospital. Dr. Russell, the medical examiner, was brought into the picture.

2.3.6.3 Medical Issues

Dr. MacKay found the preliminary cause of death to be from a head injury due to blunt force trauma. He had no recollection of receiving any information from Dr. R. Russell, the medical examiner, probably because no information could have been forthcoming from him at that time. No police were present because it at first appeared to be a death due to natural causes. His external examination of the body revealed a contusion to the back of the head and an abrasion found on the mid-part of the back. These were blunt force injuries consistent with a fall. There was a contusion to the upper eyelid of the right eye.

Internal examination revealed no skull fractures. It was ascertained that there was a subdural haematoma (blood clot). The brain was swollen and enlarged more to the right side. There were several contusions evident on the brain. The other internal organs showed that the heart was enlarged. The deceased had arteriosclerosis. The liver was enlarged and found to be slightly fatty under microscopic examination. He had minor kidney disease and a slight degree of pulmonary edema. There was no pathology to indicate acute alcoholism. Dr. MacKay found no cirrhosis of the liver. Those were the secondary findings and did not contribute to the death. The final decision as to the cause of death was "Head Injury", and he would add "due to blunt force trauma."

The Police Investigator, Constable Kamenka, was now on an intensive murder and robbery investigation. In the course of his investigation he found out about the events leading up to Mike Eagle Bear being taken away in the police car. The question was raised whether the portion of a hockey stick found was the weapon which produced the injury to the head. As a result of this, it appears that the pathologist attended upon the body again, this time in Fort Macleod at the Eden Funeral Home. The nature of the injuries to the brain did not fit such a weapon scenario. The stick would have been "blunt force", but the injury is caused by a decelerating head impact. Such an injury is usually caused by a fall.

Dr. MacKay called Dr. Bernadette Curry of the Foothills Hospital in Calgary. She is a Professor of Medicine at the University of Calgary. She has the qualification of an anatomical pathologist, and the additional qualification of being a neuropathologist. Dr. Curry stated that from information she received, both verbally and in writing, that there had been evidence of an injury to the left posterio-lateral aspect of the head and a subdural hemorrhage had been found.

Dr. MacKay had been bothered about the mode of death. Dr. Curry responded as follows:

> "I found a small injury on the left side of the brain with a large massive laceration of the right side of the brain with similar injuries to the inferior surface and frontal tips of the brain and the temporal lobe.... there was obvious swelling of the brain itself.... the head is a tight cavity.... there is nowhere for the brain to go except down the small canal.... through which the spinal cord and brain stem pass through.... there were tinier hemorrhages throughout the brain

> in a distribution which suggested.... a diffuse injury to the brain."

Dr. Curry found the immediate cause of death to be the swelling and compression of the brain stem by the enlarging of the damaged brain. She essentially said the same as Dr. MacKay, but in much greater detail.

With respect to the survival factor, Dr. MacKay had been of the opinion that "if he had received the best of medical care, and if the lesions had been recognized immediately, and he had been transferred to a hospital where neurosurgical procedures could have been done, it is possible he could have survived.... the head injury is very severe and one could say possibly that he wouldn't have survived even if he had received the best of care." This type of injury is such that unconsciousness becomes deeper and deeper until there is finally no response to stimuli. Dr. MacKay, therefore asked Dr. Curry a second question, namely "would he have, or could he have survived."

Dr. Curry responded to this question in detail. The symptoms one would expect to find on viewing and treating a patient with Mike Eagle Bear's injuries were:

1. The man was obviously unconscious. That may be all one finds for some hours after the injury. There may be no localizing, especially if there is alcoholism related to that. It may easily be confused with an alcoholic stupor.

2. The brain swells due to hemorrhaging, and this may manifest itself in eight, nine and even 24 hours. In the Mike Eagle Bear case it was rapid.

3. A doctor should notice a dilated pupil as the brain enlarges. In this case the affected side was the right side (the subdural clot was on the right side). A physician should have noticed this.

4. Any unconscious patient will be admitted to hospital and watched every fifteen minutes. It is likely that the patient's pupils at the time of admission were in mid position and totally non-reactive to anything.

5. Seizures could occur in four to five hours if he was having trouble with respiration. His (Mike Eagle Bear's) history indicates trouble in breathing.

6. His limbs are flexed to touch (which was the case here).

She again stated that the hockey stick was not the instrument to produce the injury but that the injury was the result of the fall, from his own height, hitting his head on the cobbles or something like that. The direct injury to the brain was the abrasion to the head, and the fatal injury was the injury to the brain directly opposite this area.

Dr. Curry then went on to say:

> "I think it is difficult to assess whether or not survival would have been significantly altered by immediate treatment.....it is still difficult to determine that. I think, if he had been brought straight to hospital, depending on where the hospital was, he would have been watched the same as he was watched in cells, of course it would have been somebody who had some specific training, and they may have picked up signs of increased cranial pressure at an earlier phase. Once he had coned, or herniated, it is unlikely that any treatment would allow him to survive in any significant state....Had he been transferred to the Foothills Hospital there is a chance he might have survived with considerable disability....4 to 5 hours after the injury, however, it is unlikely he would have survived."

Dr. Curry again supported Dr. MacKay when she stated "this case did not show any evidence of alcoholic associated neuropathology". She also had the conviction, that after four to five hours (which is the time of hospital admission) that it should have been easy to determine that it was not an alcoholic stupor.

2.3.6.4 Post Death Investigations

When the nurse at the hospital advised the Cardston Detachment of the Royal Canadian Mounted Police that Mike Eagle Bear had passed away, Corporal Rudd assigned Constable Pat Kamenka as the investigator into this Sudden Death.

Constable Griffiths started the chain of events by urging Dr. Van Orman to have a post mortem examination of Mike Eagle Bear. The evidence of Caroline Weasel Fat came to light. The abrasion to the head of Mike Eagle Bear was noted as having been seen by the officers on his being booked into cells. The policy of picking up an intoxicated person or a person in an alcoholic stupor was in effect.

This investigation started off with the apparent intent, in the Commissioner's reading of the evidence, to protect the police from any liability. The Commission is satisfied that that quickly became secondary to the investigation. All parties that had any contact with Mike Eagle Bear were interviewed and statements taken. The Commissioner is of the view that these statements were taken hurriedly and as a result lost a good deal of their effectiveness.

This is not to be construed as a major criticism because this body travelled from the Cardston Hospital, to the Lethbridge Hospital, to Eden's Funeral Home in Fort Macleod and subsequently to Standoff for his funeral. Subsequently a person was charged with a criminal offence and sentenced by the courts to a period of incarceration.

2.3.6.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. The competence of the Blood Tribe security personnel who were responsible for the ambulance service was suspect. That the individuals involved had no training for this type of employment was absolutely unquestionable. The case dealt with a period dated in 1983. This ambulance service is now a professionally approved and trained organization which is of great satisfaction to this Commission.

2. There was a prevailing perception evidenced in this case. The perception was "here's good old Mike, passed out." This was the perception of Caroline, who reported it to Anita, who reported it to the Blood Tribe security. When the police arrived, as earlier stated, the ambulance personnel were relieved that the police took Mike away in the police vehicle because it returned the ambulance to the office for a "real" emergency. Caroline was relieved that her husband's uncle was being taken to hospital for help.

3. The Royal Canadian Mounted Police arrived and Constable Begg recognized the unconscious man on the stretcher. He stated he smelled alcohol on him. Again the assumption was made that Mike had passed out. This was reinforced by the ambulance personnel's concurrence. That this was treated as an ordinary and accepted situation was obvious. The police officers already had one prisoner, and then detoured to break up another situation and arrest another person.

   They were busy but knew the persons they were dealing with. They were doing the ambulance personnel a favour by saving them a trip to Cardston. They failed, however, to give any significance to the fact that Mike Eagle Bear was unconscious. Even noticing the head abrasion on lodging him in cells did not trigger the alarm. Dr. Curry stated that alcohol stupor was a conclusion easily come to under those circumstances but the lack of coherent response from Mike Eagle Bear should have been sufficient to require a medical opinion.

   A sympathetic and concerned officer such as Constable Begg should have followed this procedure. This would have given the unconscious man the benefit of the doubt and had him checked over by the doctor at the hospital.

4. A fourth comment was regarding the perception and assumption of the doctor at the hospital. He immediately recognized the patient from 11 years ago. Because the patient was transferred from police cells, he may have made the assumption that it was an alcohol stupor that the patient was suffering from and he treated the patient accordingly.

   As Dr. Curry pointed out, a doctor should have recognized the symptoms of the underlying injury because he was presented with a patient showing the preliminary external signs of seizuring. Dr. Van Orman referred to them as grand mal seizures and there was no doubt but that they were severe. He justified his perception and his assumption or diagnosis of the medical problem being cirrhosis of the liver by saying that this sort of thing happened a lot (ie. alcoholic stupor). Dr. Curry found this unacceptable under these circumstances. The patient had been unconscious for four to five hours and had the classic symptoms for head injury, namely, rigidity, seizuring and respiratory difficulty.

Dr. Van Orman then signed a Death Certificate outlining the natural causes he was treating the patient for. Under most circumstances this would have removed the case from the medical examiner's realm. It was due to the vigilance of Constable Griffiths and the vigorous investigation of Constable Kamenka which resulted in the post mortem examination and its findings.

5. A last observation was the release of information to the news media about the suspicion of foul play. This type of information came to the attention of the bereaved family in an insensitive and public way. It should never have occurred.

2.3.7 ALVIN DENNIS STANDING ALONE

2.3.7.1 Background of Individual

The deceased was a 30-year-old Blood Indian who was living on the Blood Reserve at Moses Lake, immediately adjacent to the town of Cardston. He was divorced from his wife and had no children. He was described as a very likeable, passive and gentle person. Alvin went to Lethbridge on an infrequent, but regular basis. The time intervals between visits ranged between some weeks to up to three months.

During these visits he over indulged in the use of alcohol. After he had been on a binge for two or three days he would phone a member of his family who then picked him up and drove him home to the reserve. The last three times he was brought home with injuries or black eyes. On one occasion he had a cut head. His sister, Nadine, confronted him about these injuries demanding to know who had inflicted them. She wanted him to lay charges. Alvin refused to disclose any details or names. On one occasion while he was being treated in the emergency at St. Michael's Hospital, the staff summoned the police, but Alvin again refused to disclose any details or names. As he told his sister, they would get him anyway.

Further evidence before the Inquiry indicated that Alvin was a well known binge drinker of alcohol and lysol. He was also known by the police to be of homosexual orientation. The Lethbridge police were also aware that one of his friends and associates had tested positive for the Human Immunodeficiency Virus (H.I.V.). His family were aware of his sexual orientation but had come to accept him as a person and an integral part of their family.

His sister, Nadine last saw Alvin on Thursday, June 30, 1988 at St. Michael's Hospital in Lethbridge. He indicated that he wished to stay in town and celebrate his birthday which was the following day.

2.3.7.2 Narrative of Events Leading to Death and the Discovery of the Body

It appears that Alvin was going to celebrate his birthday with Jennifer Across The Mountain, although his sister indicated he also mentioned a Lorraine Bull Shields. Apparently Alvin drank with friends from 6:00 p.m. to 10:00 p.m. in an apartment near where he was subsequently found dead. This was near the apartments locally described as the "Mexican Village". He left the party at about 10:00 p.m. with the stated intention of going to town. He was seen face down in the back yard of 218 - 14th Street North, Lethbridge around midnight of July 1, 1988 by one Penny Edgar.

She believed the person had passed out and thought no more about it. At about 6:50 a.m. on July 2, 1988 she saw that the person was still there so she had Sandy Standing Horn check on him. He called the police immediately from a nearby phone booth. Sandy had seen Alvin the evening before and was of the opinion that he appeared in good health at that time. Evidence of numerous witnesses saw Alvin drinking on the afternoon of his birthday.

The Lethbridge City Police immediately responded. Constable Cove arrived first at 7:01 a.m. and secured the scene. A full team of homicide investigators were immediately called out to attend the scene. Detective Randy Joseph was designated the investigator. Dr. William Morris was summoned from Fort Macleod, as the closest medical examiner. He arrived and pronounced Alvin Standing Alone dead at 8:45 a.m. and ordered an autopsy.

2.3.7.3 Medical Issues

Dr. Barbara Happel was designated as the pathologist. She conducted her post mortem examination at 1:00 p.m., July 2, 1988. Detective Joseph attended the autopsy. He advised the pathologist that this 30-year-old Native male had been found lying face down behind an apartment building in Lethbridge.

Detective Joseph advised her that Alvin was known as a heavy drinker. He also advised her that the deceased was a known homosexual and that one of his friends was known to be Human Immunodeficiency Virus (H.I.V.) positive. Dr. Happel felt the deceased was therefore to be treated as a high risk case and dangerously contagious. She ascertained that the deceased had been to the Emergency Department of St. Michael's Hospital at 4:00 a.m., July 1 for sutures to an older injury on his forehead.

Dr. Happel conducted what is called a "limited" autopsy on the body. Medical advice assures the Commission that this procedure would not hinder the establishing of the cause of death.

External examination showed no abnormality apart from a laceration on the forehead and petechial hemorrhages on the skin of the neck and chest. There was pulmonary edema and petechial hemorrhages on the serosal surfaces in the thoracic cavity. The abdomen was unremarkable. There was considerable hematoma beneath the laceration on his forehead. There was extensive diffuse subarachnoid hemorrhage of the brain. There were no fractures of bones. Toxicology tests showed ethyl alcohol in the blood of 320 milligrams of alcohol in 100 millilitres of blood. The Human Immunodeficiency Virus (H.I.V.) antibody test proved to be negative.

Dr. Happel found the cause of death to be subarachnoid and intraventricular hemorrhage due to blunt force injury with the significant contributing factor of Ethyl Alcohol intoxication.

Dr. John Butt, the Chief Medical Examiner for the Province of Alberta, was at that time the only forensic pathologist in the province. He suspected, upon reviewing this file for the Commission, that the cause of death was due to a direct blow to the face or neck resulting in a hypertension injury, causing a dissecting aneurism. Such hypertension injuries are always associated with alcoholism which causes flaccidity to the neck muscles. He does not think this was a "natural" aneurism, or an "unassisted" aneurism that was the cause of death. Dr. Butt also confirmed that the old sutured head injury was not applicable to the death.

2.3.7.4 Post Death Investigations

When Sandy Standing Horn summoned the Lethbridge police, all specially trained personnel arrived in a matter of a very few minutes. Detective Joseph was designated the investigator. In this capacity he attended at the post mortem examination with Constable Cameron, the identification man. The deceased's movements were back-tracked to the time he had come to Lethbridge from the reserve with his sister. There is no doubt that Alvin Standing Alone was enjoying his birthday celebrations until he left the Margaret Cotton residence at around 9:30 p.m. with the intention of going downtown. This time varies because a witness stated he last saw him at about 10:30 p.m. Estimates of his sobriety are estimated from half way drunk to completely drunk.

Detective Joseph's investigation surfaced a witness from the previous afternoon, which strongly suggested that two individuals were trying to intimidate Alvin Standing Alone into "selling himself" and turning the money over to them. One of these persons was purportedly seen kicking the deceased on several occasions at the scene where the body was found. This was in the statement of Janelle Spear Chief also known as Janelle Betts. She was the girlfriend of Tyrone Good Rider, the alleged assailant. He stated that he was "beating up" Alvin because of an alleged sexual assault upon Tyrone's younger brother. Investigation by the police failed to disclose that such an assault occurred.

The Commissioner is satisfied that the Lethbridge City Police diligently, thoroughly and with dispatch investigated the death of this unfortunate young man. They found their own witnesses and followed up on any and all information from Native sources as supplied by the sister, Nadine, without delay. On occasion they already had statements from persons whose names were put forward by Nadine.

The police arrested and charged Tyrone Good Rider with second degree murder. He went before the Provincial Court of Alberta on September 15, 1988. The accused was discharged at the conclusion of the preliminary inquiry because the presiding Judge ruled that there was insufficient evidence.

2.3.7.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. The only comment to be made about the police investigation, is that they should have recognized that the area where the body was found is heavily populated by Native people. As soon as the medical examiner pronounced death, they should have requested the Cardston Royal Canadian Mounted Police to attend upon the mother, Angeline Standing Alone, to advise her and her family of her son's death. They knew the deceased well and had that information available to them. This probably would not have been before the family was notified of the death by members of the Native community, but it would have stopped any criticism or suspicion by and from the Native community which was subsequently directed towards the police.

   It would have followed the accepted practice of cooperation between the Lethbridge City Police and the Cardston Detachment of the Royal Canadian Mounted Police responsible for the Blood Reserve. Today such information would be given the Blood Tribe Police. Their assistance in communicating with the next of kin should be requested.

2. The Agent of the Attorney General should have either re-layed the charge against the accused or proceeded by direct indictment. The evidence presented at the Preliminary Hearing should have been ruled upon in the course of a trial.

3. The Commissioner does not believe there has been any latent or underlying discrimination shown in this case, other than a failure to understand certain cultural aspects of the Native society.

2.3.8 BRIAN CANUTE MANY BEARS

2.3.8.1 Background of Individual

The deceased was a 39-year-old member of the Blood Tribe. He lived with his wife and daughter on the reserve. His wife is a school teacher having received her Bachelor of Education Degree from the University of Lethbridge. At the time of her husband's death, she was the vice-principal of the school.

The deceased was unemployed at the time of his death. He suffered from migraine headaches and arthritis of the spine, for which he was receiving medication from Dr. Dennis at the Magrath Hospital. He was awaiting the results of further tests.

Brian Many Bears had been very involved with young people and in particular with minor hockey where he coached. At the time he went missing, he was collecting money to help finance minor league hockey.

2.3.8.2 Narrative of Events Leading to Death and the Discovery of the Body

Around 4:00 p.m., on Friday, November 27, 1987, Brian Many Bears left his home with the announced intention of collecting money for minor league hockey. Sometime prior to 10:00 p.m. he phoned home. He spoke to his daughter and indicated he would be late coming home. When he failed to return, his wife, Lauretta tried to locate him. None of Brian's friends could, or would give her any information.

She visited the Cardston Detachment of the Royal Canadian Mounted Police seeking information as to whether her husband had been arrested. They did not have him in custody. A check with Lethbridge City Police also proved to be negative. She personally visited the Fort Macleod Detachment of the Royal Canadian Mounted Police, but again the information was negative. She called the Blood Tribe Police who likewise had no information.

When she returned to school on the morning of Monday, November 30, 1987 she was so distraught with worry over her husband's absence that she asked the principal of the school, one Vern Meyers, a non-Native, to phone the Cardston Detachment and the Blood Tribe Police. She did this because of her distress, and also because she felt that she was not really being listened to by any of the police units she had contacted. She is a Native and asked Vern Meyers to do the phoning to see whether he could get a faster response. Her perception was that the police would be more receptive to him than to her.

It is not clear which police unit was called first, either the Cardston Royal Canadian Mounted Police or the Blood Tribe Police. She had not asked previously if she could file a "missing person" report, having the mistaken idea that you had to wait a period of time before you could do so. This had been her perception and her belief.

When Vern Meyers phoned the Blood Tribe Police, he gave a description of Brian's vehicle and a license number. He also gave the reason for Brian being away from home. Mrs. Many Bears also remembered that he gave information of the people he may have seen, namely Napoleon Black Rabbit. She cannot remember if Mr. Meyers relayed such information to Constable Clarke during the call to the Cardston Detachment. It did not appear in the notes of the missing persons file Constable Clarke generated. Clarke was on the Cardston Municipal Detachment at this time, so Corporal M. Terrance McMahon assigned the file to Constable Frank Pautler of the rural detachment, who was on duty.

The file notes indicated Mrs. Many Bears had requested that police visit upon her because she was too upset to talk on the phone. It was Pautler's evidence that he immediately phoned her for information instead. Constable Pautler discovered that her husband was not drinking and that he left the house at 4:00 p.m., November 27, 1987 in a sober state. Pautler determined that Brian Many Bears was a homebody and it was unusual for him not to come home. He obtained a description of the vehicle. Mrs. Many Bears advised Constable Pautler of Brian's medical history. Constable Pautler checked with the hospital, who advised that they had not seen Brian for a week. (This would be prior to November 30, 1987). The officer also entered the name on the Canadian Police Information Centre (C.P.I.C.) system to alert all detachments of a missing person.

Mrs. Many Bears informed him that the Blood Tribe Police had been informed. She also advised him that she had contacted her husband's friends and that they had no information for her. Constable Pautler really did no further investigating, accepting the wife's statements. Mrs. Many Bears phoned him many times and spoke to him or left a message for him.

It was noted from Constable Pautler's evidence that Mrs. Many Bears was his source to any information.

The knowledge that the Blood Tribe Police was aware of the man being missing was his sole concern in the investigation. He did not consider it necessary to further contact them and compare information.

It is ironic that there was no communication between the Cardston Detachment and the Blood Tribe Police, particulary when this Inquiry has heard so much about the desirability of such communication. Corporal McMahon stated categorically that had the names of Napoleon Black Rabbit, Franklin Black Rabbit and Clement Black Rabbit surfaced in the Royal Canadian Mounted Police investigation, it would have been conducted differently. It is even more ironic when it was learned that the accident which took Brian Many Bear's life was in the near vicinity of Napoleon Black Rabbit's house.

Constable Thomas took a call from Mrs. Many Bears for Constable Pautler on December 8, 1987. In his notes, he suggested to Pautler that Mrs. Many Bears did not appreciate or understand the difference between "assist to locate" and a "missing person". It is clear that there was some confusion in the detachment office among the members as to the exact nature of this file. This becomes immaterial because Pautler unequivocally stated that he treated this as a "missing person" investigation, but was stymied by having no leads. He found none on his own, because he was relying solely on a distraught woman for such leads or information.

Corporal McMahon, the Shift Supervisor, took a hand in the matter to keep Mrs. Many Bears up to date, which was not difficult since the file disclosed no progress. In fact, the investigating officer was absent for a short time while his wife had their first child.

Early on the morning of December 22, 1987, Mervyn Yellow Face was driving to work. He decided to come up through the coulee which is below "Dead Man's Corner", as the right angle turn in the roadway is locally called. He was looking for deer. His attention was attracted to a large white tank almost obscured by bush. On investigating, he found Brian's truck and the badly mutilated body of a man, in a sitting position, beside the truck from which he had apparently been thrown.

Shocked, Mr. Yellow Face hurried to the Blood Tribe Police and reported his grisly find. Acting Chief Oliver Shouting immediately reported the find and location to the Royal Canadian Mounted Police and went to the scene with Constable Joe Old Shoes, Constable Winston Bruised Head and ambulance driver Gary Bird. They then waited for the Royal Canadian Mounted Police to arrive.

When the call came in it was immediately responded to by Corporal McMahon and Constable Pautler. Sergeant Lee, the Detachment's Operations Officer also attended. The scene was as described by Mervyn Yellow Face.

The area was examined by the police, photographed, and the body removed with the permission of the Medical Examiner's Office. The vehicle was also removed from the scene. Constable Pautler phoned Mrs. Many Bears on December 22, 1987 and asked for Brian's family doctor. He informed her that they had located the accident and body. They needed medical assistance to confirm identification.

At 12:00 noon on December 22, 1987, Oliver Shouting and Winston Bruised Head went to Lauretta Many Bear's house to inform her that the body was probably Brian Many Bears. Mrs. Many Bears had already been advised of the news by some women of the reserve. Lauretta summarily ordered the Blood Tribe Police members from her house because she was so deeply hurt by their apparent disinterest and incompetence with respect to this matter.

2.3.8.3 Medical Issues

Dr. John Butt, the Chief Medical Examiner for the Province of Alberta was, at that time, the sole forensic pathologist in the province. He conducted a post mortem examination on the body of Brian Many Bears on December 23, 1987 at Lethbridge. The body was badly mutilated and identification was made by comparative x-rays. This proved conclusively that it was Brian Canute Many Bears. The cause of death was "skull fractures". Dr. Butt stated that "exposure" could possibly have been a cause. The forensic evidence indicated, however, that skull fracture was the cause of death. Brian could not have survived for any significant length of time with the cranial injuries he had received.

2.3.8.4 Post Death Investigations

There did not appear to be much of a post death follow up. Constable Emanuel, the Accident Reconstruction Officer for Lethbridge Sub-division Royal Canadian Mounted Police, attended the scene at the request of the Cardston Detachment. This attendance was at the discretion of the officers at the scene. Later this became a mandatory rule that he attend such scenes.

Contrary to proper practice, the vehicle had been removed from the scene. Constable Emanuel stated it would have been better if it was still there, but he did his best. He took measurements and made notes of his observations. There is no hesitation in accepting his reconstruction and his report states:

> "The vehicle was north bound on a straight level gravel road. As it approached an unmarked curve in the roadway, the vehicle continued straight through the curve. As the vehicle left the roadway, the driver braked heavily and steered to the right, the same direction as the curve he had failed to negotiate. The vehicle rolled over and into a large

> coulee.... the driver of this vehicle failed to see the curve in the road in sufficient time to take evasive action. The failure to perceive the curve can be attributed to one or a combination of the following factors; no warning signs or barricades, reduced visibility due to darkness.... or weather conditions.... The headlights were on at the time of the accident and this suggests that the accident occurred during darkness. Under dark conditions, it is conceivable that the driver simply did not see the curve in the road.... the evidence in total indicates that the travel of the vehicle into the coulee was accidental.... the cause of the accident is driver error in failing to negotiate the curve. The major contributing factor is the lack of proper signs or barricades at this location."

The Commissioner has seen the site of this accident. The "curve" referred to by Constable Emanuel is an old fashioned right angle corner which characterized old highways. It is known locally, including at the Cardston Detachment, as "Dead Man's Corner". The coulee is terraced somewhat, and very deep. It has heavy bush cover, which would make it very difficult, if not impossible, to see the vehicle at its final resting place when looking down from the highway.

2.3.8.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. Lauretta Many Bears was not given the full attention she deserved as an anxious wife. Her sense of urgency in this situation was not responded to by police members on November 29, 1987, when she was searching for her husband. A more sensitive and understanding audience would have responded to her plea for help. She stated her position, most dramatically, in her own words as follows:

   > "I felt the Royal Canadian Mounted Police never took me seriously and I felt all along no one believed me.... I had placed all my trust in them. I'm very disappointed in the Blood Tribe Police as well. If Edmund

> (Constable Edmund Many Bears) had not been a relation, not much would have been done.
>
> The whole thing was taken so lightly. If someone goes missing in the National Park, they do not stop to ask if he was drinking or on drugs -- a search is made. We have to take things seriously.... it has caused me a lot of grief and sorrow. These past 21 months haven't been easy for me. I'm not saying he would have been alive, but his body wouldn't have been mutilated so bad if they had done a search."

2. It is regretted that the investigating officer failed to abide by the request that Mrs. Many Bears be personally visited, rather than telephoned. It is clear that she was too upset to talk on the phone. Perhaps more essential information could have been obtained by personal contact. It is difficult to understand this insensitivity. The officer was eloquent about the discrimination, which was evident to him in the Cardston community. He has apparently had occasion, because of his Japanese wife, to see how such discrimination can hurt people.

   It is perhaps more hurtful when exhibited by a well meaning person trusted by the Indians. Strangely, such a person would be equally hurt if he or she knew that such conduct was so interpreted.

3. Lauretta Many Bears was treated lightly, almost indifferently by the Blood Tribe Police. Acting Chief Oliver Shouting frankly admitted that no action was taken to investigate the disappearance of Brian Many Bears. He was not aware of the situation or any developments in this file. When he was berated by Lauretta Many Bears on the day the body was found, he understood her anger and quietly left her house.

4. Vern Meyers, the school principal, had phoned two police forces: the Cardston Detachment of the Royal Canadian Mounted Police and the Blood Tribe

Police. Without his calls it is not known when Lauretta Many Bears could have had her "missing person" complaint accepted.

5. As a final comment, the lack of communication, either way, between the Royal Canadian Mounted Police and Blood Tribe Police was unacceptable. The Commissioner would say more but being aware of the new cooperation and understanding that now exists between these units, hesitates to do so.

2.3.9 DENNIS BAD MAN

2.3.9.1 Background of Individual

Dennis Bad Man was a 29-year-old Blood Indian when he passed away on October 11, 1987. He had been married and was the father of two children. Because of his misuse of alcohol, his wife had divorced him some long time prior to his death. He lived at Moses Lake on the Blood Reservation with his mother, Enid and two of his brothers.

It was obvious from the testimony of his mother that he was deeply despondent over the break-up of his family. Enid Bad Man blamed the ex-wife for her son's death. This is unfortunate, because Dennis was subject to hopeless despondent periods, due to his excessive drinking. Evidence disclosed that he had been arrested on numerous occasions by various police officers for alcohol related offences.

He was well known to the police and to the staff at the Cardston Municipal Hospital because of these episodes. It was also clear that he always exhibited a non-violent presence to persons in authority, with the exception of his last encounter with the police and the medical staff. He then presented a violence completely out of character to all who ever had any dealings with him.

2.3.9.2 Narrative of Events Leading to Death and the Discovery of the Body

Constable R. J. Clarke and Constable Frank Pautler of the Cardston Detachment of the Royal Canadian Mounted Police were dispatched to Mrs. Enid Bad Man's house in response to her call for help and arrived at 10:38 p.m. on the evening of October 10, 1987. The officers met her outside the house. She indicated that her son had been drinking and that he had taken some of her prescription "292's". She led them to the bedroom where Dennis was. They found him sitting on the bed grasping the frame of the bed with both hands. He was vibrating back and forth in a slow motion. It was obvious to the officers that he was in a great deal of distress. From the nature of the call they believed this was due to excess alcohol consumption, drug consumption or both. Mrs. Enid Bad Man pointed out the white pills which formed part of her prescription for darvon. She made it clear that she wanted her son taken to the hospital and the officers understood the urgency.

Dennis resisted the two officers with what Constable Clarke described as "having the strength of someone possessed". He was very familiar with Dennis. Dennis had never been violent or behaved like this on previous occasions. He was normally very quiet and docile. Dr. Low, who had treated him at the hospital on previous occasions, also stated that this violent antagonistic behaviour exhibited by Dennis was completely out of character. It took the combined strength of the two officers to finally subdue and handcuff Dennis and place him in the police vehicle for transportation to the hospital. This physical effort caused much distress to the mother, Enid Bad Man, because she did not wish her son to be hurt. Constable Pautler retrieved one of the white pills, which he gave to Dr. Low at the hospital directly upon arrival.

At the hospital, the handcuffs were removed. Dennis was restrained in the chair by the officers. His movements were jerky and swinging but not aimed at any person.

Up to this time, Dennis Bad Man had said nothing. The doctor and the male nurse attempted to have him swallow medication to cause him to throw up but he refused to open his mouth or to cooperate in any way. They threatened to put a tube down his throat to his stomach, so Dennis Bad Man then took the bottle in his right hand. He swallowed half of it but spilled much of the bottle because he was so shaky. He spoke for the first time and asked for water. His speech was almost unintelligible. He then tried to stand up and fell to the floor. At this point, Dr. Low decided to pump the patient's stomach. A brown liquid was pumped from the stomach. When the contents being removed became clear, a black liquid solution of activated charcoal was introduced, to hopefully bond with any poisons left in the stomach. During this time, Dennis flailed about with his arms and tore the tubes from his nose.

Because of his increasingly violent behaviour, Dennis Bad Man was placed in a straight jacket, which Constables Inman and Droppo brought from the detachment as none was available at the Hospital. During this time there was one doctor, one male and one female registered nurse, the two original constables and finally Constables Inman and Droppo in attendance.

At this time, Dr. Low stated that he made the decision to direct the police to remove the patient from the hospital and lodge him in police cells. His rationale was that Dennis was too violent and dangerous to himself and to others to keep him as a patient in the hospital. He stated that he felt his condition was stable enough to allow close monitoring in the cells. Dr. Low instructed the officers to advise him immediately if any problems in breathing arose. He subsequently testified at a Fatal Inquiry that he had done all he could for the patient.

It is of note that when Dennis Bad Man was presented to Dr. Low, he stated that Dennis smelled as though he had been sniffing glue. He made mention of this on at least two occasions. The police officers, however, stated categorically that they did not smell glue.

The hospital record, which is in Dr. Low's writing, indicated that the patient was brought in by the Royal Canadian Mounted Police at 10:45 p.m. and removed at 11:40 p.m, October 10, 1987. The doctor came to the conclusion that he was intoxicated as he explained:

> "somewhat by the history of the members (R.C.M.P.) who were at the scene when they picked him up ...... the smell of alcohol on his breath, the slurred speech, glazed eyes ...... that's a judgement call, but we see a great deal of alcohol use, and I think we are very familiar with the signs of intoxication."

Dr. Low had treated Dennis before, mostly for alcohol abuse but on one occasion for drug overdose as well. He specifically stated that the patient, to his knowledge, was not under arrest when the police brought him in. Dr. Low stated that, "the introduction of charcoal to the stomach does not assist the patient who has sniffed glue. The charcoal is really only to eliminate anything he may have taken by mouth ...... there is no antidote for sniffing glue except letting them breathe regular air." In fact, Dr. Low under oath at the Fatal Inquiry subsequently held, stated as follows:

> "It was my decision at that time that after the medical treatment that we had given him, which was, emptying his stomach and giving him charcoal, that no further treatment could be given or was required ...... I felt that Dennis was a danger to himself and to the staff ....".

He was asked some questions at this Inquiry, particularly whether Dennis went to police cells because he was too violent, or he went there because he needed no further medical treatment in his judgement. Dr. Low stated that it was a combination of both. He stated "I had done what I could for him, and that he was stable." It was Dr. Low's opinion that Dennis Bad Man "would have died regardless".

Dennis Bad Man was removed, at Dr. Low's direction, to the police cells in Cardston. Dennis had been placed in a straight jacket in the hospital, as stated previously, and was lodged in cells at 11:50 p.m. His breathing was laboured and raspy but, according to the police, he seemed to be breathing well. It certainly was regular. He was placed in the cell with the door open for very close monitoring. The guard had his chair in the open doorway.

The police officers and Corporal McMahon checked Dennis every two or three minutes. He was spitting up the charcoal as a black liquid. He immediately started to continuously smash his feet down on the concrete floor. This necessitated the police restraining the feet by tying his ankles to prevent him from hurting himself. Dennis was extremely restless and was making incomprehensible sounds.

At 1:10 a.m., Dennis began banging his head on the concrete floor and the police put a rubber mat under this head. Dennis started breathing easier. He started yelling some incoherencies. Corporal McMahon came in and checked him over very closely to make sure he was alright. Then as McMahon returned to his desk he heard Dennis take a last breath. Corporal McMahon and the guard immediately ran into the cell. It was obvious to all that Dennis Bad Man was dead, but the police hurriedly placed him into a police vehicle and took him to the hospital.

Corporal McMahon phoned the hospital and alerted them of their pending arrival. It took a radio call back to the detachment and a second telephone call to the hospital by Corporal McMahon before the emergency entrance was opened and entry gained to the hospital. Dr. Low was called and attended Dennis in the police car. He pronounced him dead at 1:27 a.m. on October 11, 1987.

2.3.9.3 Medical Issues

The post mortem examination was conducted by Dr. B. Happel on the morning of October 11, 1987 at Lethbridge. The information received from Dr. Low, and which was confirmed by Dr. Low as the information passed to Dr. Happel, was as follows:

> "The Royal Canadian Mounted Police had picked Dennis Bad Man up at his mother's residence where he lived, and brought him into the Cardston Municipal Hospital. Dr. Low had treated him for what was thought to be an overdose of alcohol and darvon (propoxyphene). The patient was so violent that he was taken to the police cells."

Dr. Happel, the pathologist assigned, found very little. She observed that he had charcoal in his mouth and tracheobronchial tree. The post mortem examination did not disclose a cause of death. The toxicological reports revealed the presence of ethanol (alcohol) at the level of 160 milligrams per 100 millilitres of blood, 200 milligrams per 100 millilitres from the vitreous humour of the eye, and 290 milligrams per 100 millilitres of urine. The propoxyphene concentration was 1.0 milligram per litre of blood, 47 milligrams per kilogram in the liver and similar concentration of synthetic norpropoxyphene were found.

These concentrations, by themselves, would not cause death, but their combined cumulative effect on the central nervous system would be fatal. Dr. Happel's conclusion, therefore, was that the cause of death was "central nervous system depression". This finding was concurred in by Dr. J. C. Butt, Chief Medical Examiner for the Province of Alberta.

2.3.9.4 Post Death Investigations

There really was no post death investigation other than that stated in the Narrative of Events.

2.3.9.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comments can be made:

1. The police answered a call for assistance made by or on behalf of Enid Bad Man and gave assistance, as requested. This older woman was upset and concerned about her son. Unfortunately, she also displayed some hostility to the police. This was due to both an attitude and a communication problem. Her interpretation of the situation was certainly not favourable to the police. This was an unfair conclusion on her part, but it is an unfortunate fact that she clings to today.

   There was certainly no bias in this matter on the part of any of the police officers. They were placed in a most unfortunate situation, when Dr. Low refused to keep this man in hospital and directed the police to take him to cells and to observe him there. He was not a prisoner in any sense of the word. He was a medical problem and a patient at the hospital requiring medical treatment and observation. There is no doubt whatsoever that he should have been kept in the hospital for that purpose.

2. The Interim Death Certificate is dated October 12, 1987 and is accurate regarding the cause of death, but it is inaccurate with its circumstances. The deceased did not come to the hospital from cells for treatment. Dr. Low was aware of this but

apparently did not pass the correct information on to Dr. Russell, the medical examiner. The final Certificate of Death was dated February 16, 1988 which was voided for some unknown, and now unascertainable, reason. As a result, the final Death Certificate was not signed until March 25, 1988. This certainly created concern in the minds of the family members.

2.3.10 MAGGIE PANTHER BONE

2.3.10.1 Background of Individual

This woman was a Blood Tribe member and a resident of the Blood Reserve. She was a 47-year-old woman who was the mother of at least five daughters. The two youngest were 15 and 13 years old. Maggie Panther Bone had a lengthy history of severely abusing alcohol.

2.3.10.2 Narrative of Events Leading to Death and the Discovery of the Body

Margaret Holy White Man, a daughter of the deceased, her ex-husband Floris Good Rider together with their two daughters lived with the late Mrs. Maggie Panther Bone. On the afternoon of March 8, 1976 Margaret Holy White Man was looking after her sister Celestine Panther Bone's son and also the daughter of her brother. The oldest child here was another sister, Lisa, aged 13 years. Lisa became responsible for the welfare of all the infant children as the day's events unfolded.

Early that day, Maggie's daughter Martina drove her mother, her sister Margaret and friends Leonard Chief Calf and his wife Mildred Shouting to Babb, Montana. The party, with the exception of Martina, "did some drinking". They returned to the reservation around 4:00 p.m. because Martina had to be back in time for her childrens' return home from school. She let Margaret, Leonard and his wife Mildred off because they intended to continue to drink. Unfortunately, Martina drove off with the liquor which was still in a suitcase in the car. She drove to her house to check her children. At her mother's insistence she then drove her to her own home. The rest of the group obtained a ride to Maggie's house, but she and Martina had not as yet arrived. The liquor source was now gone, so Leonard and his wife Mildred left, leaving Margaret at her home.

While Margaret was considering this situation, Special Constable Tony Eagle Tailfeathers arrived with the 15-year-old daughter of Maggie, Pearline Panther Bone, in custody. He was looking for Maggie, to take custody of the juvenile. Almost simultaneously, Martina arrived with Maggie who was now being very difficult because of her state of intoxication.

The times as related by the witnesses at this point are somewhat confusing, but not really material to the sequence of events. There was a discussion about Maggie's condition and state of sobriety. It was alleged that Martina wanted Tony to take the mother, Maggie, into Cardston cells so that she would be looked after. She said that she would come to the Royal Canadian

Mounted Police Detachment and pick her up in the morning. She denies this some 14 years later in testimony before this Commission. Margaret was alleged to have asked Tony to do this also, but in testimony she said it was Tony who stated he should take his Aunt Maggie to cells for her safety. Margaret also stated that they really wanted Tony to help take Maggie into the house so she could go to bed and sleep it off.

The end result was that she was taken into protective custody and lodged in a cell in the Cardston Detachment of the Royal Canadian Mounted Police. The police practice at the time was that she would be released in the morning after recovering from the effects of alcohol, without being charged. She was asleep on the floor in what is called the recovery position. She was snoring and in no difficulty. Her daughter Pearline was then booked in and placed into the same cell with her mother at 7:45 p.m., March 8, 1976.

This young woman was demanding loudly to see Constable McLeod because she felt he would release her, as was testified to by the matron. She took refuge in the top bunk of the cell. The matron tried to convince her to come down but she refused. As the matron turned to leave, the young woman got out of her bunk and crouched beside the prone figure of her mother.

There was a suggestion that Pearline recognized her mother but, because of her high state of intoxication, she had no memory of this. The matron was of the view that she did not recognize the woman on the floor. She turned to leave when she heard something behind her. Maggie was now on her back and Pearline was on her knees beside her mother slapping her face in an obvious attempt to wake her up. She did not see the younger woman turn the deceased over on her back or touch her other than to attempt to arouse her.

When the matron entered the cell she has the memory of Maggie snoring. She suddenly realized that Maggie was no longer breathing. She immediately called Corporal Misseghers, the shift supervisor. The time was 8:05 p.m.

The Corporal arrived and found the woman on her back on the floor of the cell with her feet toward the door. Her face was covered with phlegm which militated against anyone attempting any resuscitation procedures. Corporal Misseghers immediately called the Coroner, Dr. R. Russell who arrived within five minutes. Dr. Russell pronounced Maggie Panther Bone dead at 8:15 p.m., March 8, 1976. By 8:40 p.m. the body was removed and taken to the mortuary for post mortem examination.

2.3.10.3 Medical Issues

The Commissioner had originally agreed to hear this case through the sole use of the Chief Medical Examiner and his records. As a result of the Coroner's Jury verdict, the daughter Pearline had been left with the public stigma of being responsible for her mother's death. In light of the evidence of Dr. John Butt, the Chief Medical Examiner for the Province of Alberta, the Commissioner directed that a full inquiry be entered into.

The pathologist designated was Dr. D. I. Farquhar and he did the examination at 9:15 a.m. on March 9, 1976. He found the immediate cause of death to be "inhalation of gastric content leading to laryngeal spasm with associated asphyxia and fatal anoxia". In other words, she suffocated to death. The blood alcohol was 320 milligrams in 100 millilitres of blood which is a very high concentration. Maggie Panther Bone was also known to be on medication which included darvon, valium and codeine. The effect of these drugs, when taken with alcohol, is to deepen depression of the central nervous system. The medical term is alcohol-drug synergism.

A Coroner's Inquest with a Jury was held on May 27, 1976. Dr. Russell instructed the jury of six and they arrived at a verdict that the death was due to "inhalation of gastric content" as stated by Dr. Farquhar. In addition, they indicated it was unfortunate that the prostrate body of the deceased was turned over onto her back. The change of position of an acutely intoxicated person caused the aspiration of gastric content and caused her to suffocate.

Dr. John Butt, the Chief Medical Examiner for the Province, reviewed the death for this Inquiry. As a forensic pathologist he regretted that proper focus on the ingestion of alcohol was not made. He indicated there was the greatest of possibilities that the deceased would have succumbed in any event due to the combined effect of alcohol and the prescription drugs. He also took issue with the Inquest finding of the death being considered unavoidable and the classification given of accidental.

The important part of his evidence was, however, with respect to whether the deceased turning on her back, involuntarily or with the assistance of the 15-year-old daughter was a contributing factor. He stated;

> "I don't think that is the issue here. The position of the body is unquestionably in the issue of unconsciousness. The position of the body is important insofar as keeping the airway cleared.... what I think you are looking at here is an agonal event, and that the vomiting is part of this lady's

> exit from life. That shouldn't camouflage the primary event which is acute alcohol poisoning."

2.3.10.4 Post Death Investigations

Other than the Coroner's Inquest, the Commission is not aware of any other post death investigations.

2.3.10.5 Comments

After a thorough review of all aspects of this tragic death, through sworn testimony and exhibits, the following comment can be made:

1. There is no evidence of bias or prejudice in this case. It is hoped that the stigma or burden of guilt carried all these years by Pearline Panther Bone has been dispelled by the evidence given to this Inquiry.

2.3.11 ALPHONSE MANY GREY HORSES - Age 26
HUGH CALF ROBE - Age 24
FRANCIS WEASEL HEAD - Age 22

2.3.11.1 Background of Individuals

The Commission was unable to ascertain any information on the background of these individuals, other than the fact they were all residents of Standoff on the Blood Reserve.

2.3.11.2 Narrative of Events Leading to Death and the Discovery of the Bodies

It appeared that the three deceased had been involved in a single vehicle roll-over accident, accompanied by Trudy Panther Bone, Francis' wife, and probably Alvin Twigg. The accident had occurred in the very early minutes of May 28, 1982. The vehicle ended up in a field approximately 500 yards from the Tourist Texaco station in Fort Macleod. Although Alvin Twigg was an apparent survivor of this mishap, he was too confused and incoherent to advise the station attendant, Robert Wilson, or Constable McGowan who was summoned to attend to him, about the accident. His dishevelled appearance and incoherent and/or out of context ramblings did not suggest a motor vehicle accident to either the station attendant or the police officer.

A tourist passing through Fort Macleod around 6:00 in the morning passed the information on to Wilson of an accident scene. Wilson found three dead men at the scene and a woman, who was just regaining consciousness.

2.3.11.3 Medical Issues

Alphonse Many Grey Horses died of internal hemorrhage. His left lung, left kidney and his liver were lacerated. He had other multiple injuries. His blood alcohol content was 200 milligrams per 100 millilitres of blood. Vitreous humour disclosed 220 milligrams per 100 millilitres.

Francis Weasel Head died of irregular widespread disruption of his brain and brain stem. He had multiple comminuted fractures of the skull. His blood alcohol content was 300 milligrams of alcohol in 100 millilitres of blood and the vitreous humour found 320 milligrams of alcohol in 100 millilitres. He had other multiple injuries.

Hugh Calf Robe died of a ruptured thoracic aorta. The base of his skull was also fractured. There was a diffuse subarachnoid hemorrhage over the surface of the cerebral hemispheres of the brain. Blood alcohol content was 150 milligrams per 100 millilitres of blood and the reading from the vitreous humour was 180 milligrams per 100 millilitres.

These post mortem reports were examined by Dr. Butt, the Chief Medical Examiner for the Province of Alberta. The deaths occurred sometime prior to 6:00 a.m. on May 28, 1982, but no accurate time of death was ascertainable. The classification of "accidental" was the appropriate classification under the circumstances.

There was the question of the possibility of any of these persons, and in particular to Alphonse Many Grey Horses, having survived for any length of time after the accident. It was suggested Twigg had crawled some distance after the vehicle came to rest. Dr. Butt was most emphatic that these persons could not have survived for more than an hour. Any surgical repair or medical treatment had to occur within that one hour to give any hope of survival to the individual. This would have been physically impossible. It is also noted that the surviving passenger, Trudy Panther Bone survived and did not succumb to exposure. Hypothermia was, therefore, not a factor in these deaths.

2.3.11.4 Post Death Investigations

Immediately after Robert Wilson received the advice from the tourist that there had been an accident in the field behind the gas station, he informed the police. He locked the gas pumps and ran to the scene where he awaited the arrival of the police and the ambulance. Constable McGowan heard the dispatcher call Constable Ronald Platz, the Accident Investigator for that part of southern Alberta, and although he was going off shift, he too responded to the scene. Although it was not explicit in the evidence given by these two men, it is a logical inference that this accident accounted for the bizarre actions and statements of Alvin Twigg after crawling into the service station in the early morning hours.

As recalled in the statement of Robert Wilson, sometime between 1:00 a.m. and 2:00 a.m. a man crawled into the Texaco station and sat in the doorway close to the attendant Wilson. He was dishevelled, dirty and had minor cuts. The dirt was from apparently rolling on the ground and the evidence is that some of it was horse manure. Wilson took the man as being intoxicated and following the instructions of his employer, phoned the police. Wilson said that the man, later identified as Alvin Twigg, talked about guns, bombs, grenades, war, Vietnam and mumbled incoherently. He was not making any sense whatsoever. Constable McGowan confirmed this babbling with Twigg adding the phrase "Falkland War". Wilson remembered a phrase "accident, 60 miles away" and again "accident 300 miles away". There is some question of whether this information was made known to the police. Wilson recalls Twigg's speech as slurred, but the Constable does not recall such impediment. The Constable stated he may have laughed at Twigg because he just made no sense at all. Both men were of the opinion that Twigg was intoxicated. Constable McGowan stated that Twigg was not the normal type of intoxicated person that he would immediately incarcerate. They could not ascertain where he had come from. Constable McGowan took him to the hospital. There was a suggestion made by Twigg that he was first taken to the police cells, because some time later he has a recollection of being cold and that the hospital was warm. The Commissioner believes the Constable took him directly to the hospital and Twigg was cold from his ordeal in the field. Some time variations from person's memory, police and hospital records are really not material. No sinister significance should be attached to any such discrepancy. The Commissioner is of the view, however, as previously stated, that McGowan may have suspected a connection between Twigg and the accident which caused him to attend the scene upon its discovery.

Constable McGowan advised Constable Platz of the fact that Twigg could have been a fifth passenger in the vehicle. He had not searched the area near the service station, and no one had heard the accident. Constable Platz then interviewed Twigg at the hospital. It was apparent that the man had no recollection of the happenings of that night. It is apparent that he has very little recall of the events of that evening and night even to this date. Most of what he seems to remember is the result of questioning by the police and talk in the community. Trudy Panther Bone, likewise, has little or no recollection of the night's events. She does not remember Twigg being present during the course of the evening. She remembered Alphonse Many Grey Horses being present as well as her husband Francis Weasel Head, with Hugh Calf Robe being the driver. The nature of the injuries suffered by Hugh Calf Robe would tend to confirm the accuracy of this statement. None of the persons involved had carried any identification.

The Fort Macleod Royal Canadian Mounted Police notified the Blood Tribe Police and requested assistance in making identification of the bodies as well as Trudy Panther Bone. Constable Fox and Constable Rabbit responded. Constable Fox was able to identify Hugh Calf Robe. It then appears that Constable Rabbit advised Hugh's sister, Delores of the death of her brother in this mishap.

The bodies were released by the medical examiner and taken to Lethbridge for post mortem examination. Constable Platz had asked the assistance of Special Constable Dan Chief Moon of the Cardston Detachment in establishing the identity of Alphonse Many Grey Horses and Francis Weasel Head. Frank Weasel Head, father of Francis, heard of the accident and communicated with Constable Platz, advising him that he had visited his son's wife, Trudy Panther Bone at the hospital. Platz was informed by Frank that one of the men in the vehicle could be his son, Francis. Platz advised that the bodies were in Lethbridge and upon Special Constable Dan Chief Moon's identification he would advise the elder Weasel Head. He advised Frank of the identification of his son around 2:30 p.m.

Constable Platz worked on this investigation throughout the day. Knowledge of the accident and conjecture was rife in this small community. Molly Many Bears, a sister of Alphonse, had been employed at Social Services for about one year. She arrived at work about 8:30 a.m. on May 25. The community, and particularly the Native community, did not know of the tragedy as yet. Problems with lighting in the Social Services building allowed the staff to go home about 3:00 p.m. At this time, she had become aware that Hugh and Francis had been killed in a motor vehicle accident. She did not know of her brother Alphonse also being a victim. Her son, David advised her of this sad news about 5:00 p.m. She and a sister went to the hospital and were informed Alphonse was not there. They went to the police and they were told that Alphonse was killed in the accident. This callous statement caused a lot of unnecessary pain and concern to these young women. In defense of the local police officers, Special Constable Dan Chief Moon had advised a Many Grey Horses' nephew, Brian of the death of Alphonse. Brian, unfortunately, did not pass any information along to the appropriate family members. Molly Many Bears was aware that her mother and father were visiting on the Morley Reservation. She desperately attempted to communicate with them but failed.

2.3.11.5 Comments

After a thorough review of all aspects of these tragic deaths, through sworn testimony and exhibits, the following comments can be made:

1. Constable McGowan should have made some sort of search to ascertain, if possible, why Alvin Twigg was so covered with dirt and why he was so incoherent, "blathering" about guns, bombs, war, and the Falkland's war. Had he done so, he may have found the scene of the accident. This in turn may have relieved family members who were concerned about the possible lengthy suffering by the accident victims prior to succumbing to death.

   Both McGowan and Wilson automatically had the perception of Twigg being intoxicated, and looked for no further explanations.

2. The complexity of the investigation in such a multi-death accident should have been more closely supervised by the Shift Supervisor. A better procedure for notifying family should be devised. This would minimize such unthinking and insensitive statements, such as those made to Molly Many Bears.

2.3.12 ALVIN BLACK WATER

This 17-year-old Native of the Blood Reserve had been hitch-hiking in the area of the #2 highway cut-off from the #3 highway on April 5, 1984. He most likely fell from the back of a truck and was run over by the vehicle. Because of the nature of his injuries, he was air-lifted to the Foothills Hospital in Calgary. He died of craniocerebral injuries. The manner of death was categorized as "accidental" even though the toxicology indicated an alcohol level of 224 milligrams per 100 millilitres of blood.

Dr. Butt, on reviewing his office material indicates that the level of alcohol is "pretty high" and would impair the individual's motor movements. Certainly his judgement would be impaired. No indication of any dissatisfaction with respect to the Chief Medical Examiner's Office or the investigation carried out by the police, acting as the investigators for his office, is contained in the material available. The family has never requested any information from the Chief Medical Examiner's Office.

2.3.13 AGNES DAY RIDER

This 42-year-old single Blood Indian lived in Cardston. She died in her kitchen on February 29, 1988 after a fall. She had struck her head. She was found by Shirley Black Plume who called the police.

The post mortem examination was done by Dr. J. C. Dobie. He found no pathological evidence to support a cause of death, other than the deceased had vomited and inhaled the vomitus. The toxicological examination revealed a very high level of alcohol in the body, namely 470 milligrams per 100 millilitres of blood. This in itself is life threatening and certainly explains the vomiting and the subsequent inhalation thereof. Dr. D. B. Low, the medical examiner, classified the death as "accidental" because of the fall in her own kitchen. It, therefore, fell within the description of natural death. He accordingly, signed a Death Certificate in these terms. The Chief Medical Examiner's Office on review of the file, suggested that it should be placed in the "unclassified" category. Dr. Low agreed and re-issued the documentation. The late date of August 24, 1988 is, therefore, satisfactorily explained.

On his review, the Chief Medical Examiner agreed with the conclusion of the pathologist and the medical examiner as it appears on the final documentation.

2.3.14 CLARA DAY RIDER

This 34-year-old resident of the Blood Reserve had been known to abuse alcohol extensively. Prior to her death she had been on a drinking binge for several days, apparently up to September 3, 1987. Clara then stopped drinking. She had been behaving normally, having been shopping on the day of her death. After watching television that night, she turned in. Her husband, Oliver Gros Ventre Boy, stated that she started coughing and could not breathe. He had her brought into hospital immediately. She failed to respond to attempts to resuscitate her and Dr. Taylor pronounced her dead on September 5, 1987.

Dr. Happel was designated as the pathologist. Post mortem examination failed to disclose any disease to support a cause of death. Toxicological examination failed to find evidence of alcohol. She, therefore, relying on information provided by the investigators, rightfully named the cause of death as "asphyxia" caused by seizure because of presumed alcohol withdrawal. Dr. Russell, the medical examiner, classified it as a "natural" death.

Dr. Butt notes that to have classified the death as "natural" it would be necessary to ignore the history of the deceased and her association with alcohol. He would reclassify this death as properly falling into the "unclassified" category because of the alcohol association.

2.3.15 RUTH DAY RIDER

This 19-year-old Blood Indian had been held in the Royal Canadian Mounted Police Fort Macleod cells for approximately one and a half days prior to being transferred to the cells at Cardston Detachment. She was observed having a seizure by members of the Royal Canadian Mounted Police. She had delivered a baby by caesarian section about two weeks prior to her death. She was in custody because of her misuse of alcohol. Ruth was well known throughout the community for her abuse of alcohol. Records indicated that she had been drinking continuously since her discharge from hospital after the birth of her child.

She died in custody on March 16, 1986.

Dr. Happel, the designated pathologist, found no pathology to support a finding of death. The toxicological results also failed to support a finding of alcohol (she had been in custody nearly two days). Relying upon the evidence of what had been observed by the police and the doctor, the pathologist determined the cause of death as "asphyxia" resulting from the "seizures" observed. Dr. B. Low, the medical examiner classified the death as "natural".

Dr. Butt, the Chief Medical Examiner, disagrees with this decision and stated that the classification should properly be "unclassified" because of the heavy alcohol factor in this death.

2.3.16 IRVINE YELLOW FEET

Irvine Robert Yellow Feet was a 30-year-old Native of the Blood Reserve. This man's history testifies to his heavy abuse of alcohol during his adult life. In fact, during the last two to three weeks of his life, he had been in the Detoxification Centre no less than eight times. He was taken to the Lethbridge Correctional Institution for the latest liquor violation. Irvine was seen by the nurses on the institution's staff on numerous occasions. He complained of chest pains, pain in his side, and generally of not feeling very well. He particularly kept asking for something for his "nerves". The nurses responded to his requests by giving him valium, maalox and librium, as set out in the medical guidelines of the institution. He was being treated for onset of delirium tremens. He was well known to the staff at the institution. Because of the familiarity with the inmate by the staff no other cause for the obvious symptoms were questioned.

On the evening of January 12, 1984, Nurse Beresford saw Irvine Yellow Feet in response to his obvious distress. She gave him some librium. She was concerned that there was a more deep-seated problem, and contacted Dr. Salt. The doctor immediately instructed that Yellow Feet be transported to the Emergency Ward at St. Michael's Hospital in Lethbridge. While two of the nursing staff and the senior corrections officer were accompanying Irvine to a vehicle to take him to hospital he suddenly collapsed. An ambulance was immediately called (10:25 p.m.). His temperature was up and his heart was erratic. He received medical attention immediately, while awaiting the arrival of the ambulance. His breathing stopped and Irvine was immediately given cardiopulmonary resuscitation by the staff. They were unable to resuscitate him, but continued until the ambulance arrived. At this time, the medical technician and attendant took over the resuscitation. Irvine was transported to the hospital, but was pronounced dead upon arrival.

A post mortem examination was conducted by the pathologist, Dr. Happel, at 10:00 a.m., January 13, 1984. The cause of death was severe bilateral bronchopneumonia complicated by a grossly enlarged and fatty liver. There was heavy growth of staphylococcus aureus, and beta hemolytic streptococcus. In layman's language, Irvine Yellow Feet died of double pneumonia. Dr. Happel was of the opinion that this was a very sick man, but had he received treatment at the hospital two or three days earlier, he would have had a chance to recover.

The perception of alcohol abuse often tragically results in the failure of a person to see beyond the perception. If symptoms of underlying medical problems are masked by the alcohol use or abuse, there is a human tendency not to dig deeper. This is not a bias, but the situation where familiarity with the alcohol problem results in errors being made, or the truth being obscured until it is too late to remedy the situation.

2.3.17 ROBERT BIG SORREL HORSE AND DORA BIG SORREL HORSE

This couple, residents of the Blood Reserve, were found dead beside the highway in a snow drift on the Blood Reserve. It appears that they were socializing on the evening prior to their death. They received a ride in a vehicle, from which they later alighted. Robert, 55 years old, and Dora, 49 years old were struck by a vehicle. Robert died of a subarachnoid hemorrhage and Dora of a rupture of the thoracic aorta. In layman's terms, they both bled to death. Death occurred on November 11, 1982.

Dr. Butt had personal knowledge of these deaths because he was contacted by the medical examiner and by the Agent of the Attorney General. As the Chief Medical Examiner and a recognized expert in forensic pathology, he expressed the opinion that a thorough investigation had been made into these two deaths. At this point, it became evident that, notwithstanding the lapse of time, this case is still an active investigation and the file remains open. Criminal charges are still being contemplated. Pursuant to the Terms of Reference and the agreement of all parties, no further investigation into these deaths was deemed appropriate at this time by this Inquiry.

2.4 TESTIMONY OF THE CHIEF MEDICAL EXAMINER

Dr. John C. Butt is the Chief Medical Examiner for the Province of Alberta and has held that position since 1977. At that time the Coroner's system was replaced by the Medical Examiner's Office. As a matter of fact, he was one of the prime architects of the provincial legislation which brought about this change. It is one of the first and remains a model for the rest of Canada (see Appendix "L").

Due to Dr. Butt's expertise in forensic pathology, the Commission requested he provide expert testimony in this regard. Dr. Butt agreed to testify at the Inquiry, with the permission of the Provincial Government. The primary objective was to explain to the general public, and in particular, to the Native people and family members of the Sudden Death cases under investigation the following matters:

i) The workings of the Medical Examiner's Office within the Province of Alberta.

ii) How the various components and the people involved in the Medical Examiner's Office function and interact.

iii) A number of Sudden Deaths, including police involvement regarding certain Blood Tribe members.

iv) The cause of death and what was involved in the investigation of the Sudden Deaths. The classification of the death is important, but certainly confusing to the non-medical public.

Dr. Butt's reviews on the various Sudden Deaths have been incorporated into each of the preceding investigations reported on in this Inquiry.

The Chief Medical Examiner's Office for the Province of Alberta employs part-time medical examiners who are responsible for the investigation of Sudden Deaths. They attempt to answer questions such as the identify of the deceased, the time of death, the place of death, the medical cause of death and the manner of death. Only the medical examiner can authorize the removal of bodies and make decisions as to whether a body is to be autopsied. The exception is, of course, the case where foul play brings the criminal law into operation. This then takes precedence over the general rule. However, the general questions must still be answered.

A medical examiner is not a pathologist. He or she is a physician whose appointment is recommended by the Fatality Review Board.

Anatomical pathologists also work for the Chief Medical Examiner's Office on a fee for service basis. The pathologist conducts the post mortem examination and seeks to determine the medical cause of death. Identification is also a primary responsibility of the pathologist.

Of significant importance is the medical investigator, who deals with the Sudden Deaths and reports to the Chief Medical Examiner. In larger centres, such as Edmonton and Calgary, these personnel work directly for the Office of the Chief Medical Examiner. In the remainder of the province, the governing act defines the responsibility and assigns this investigative and reporting procedure to the officers of the Provincial Police Force. They assist the medical examiners by gathering the information necessary to complete the "Preliminary Report of Death" certificate. Dr. Butt is of the view that these investigators should not arrive at a determination of the cause of death without consulting with trained medical personnel. As investigators under the *Fatality Inquiries Act*, they assist the medical examiner only in determining the cause of death by gathering and reporting information to the Medical Examiner's Office first by telex, which initiates the opening of a file, and then through the Preliminary Report of Death. Medical examiner investigators usually conduct investigations at the scene of the body. All circumstances are fully investigated because all Sudden Deaths are treated as suspicious deaths in the initial instance.

A Medical Certificate is required to permit burial or other disposal of the body. Investigations are not always complete prior to burial, in that further information or results may be necessary to determine the "cause of death", such as the results from the toxicology laboratory reports. The sole purpose of the Interim Death Certificate is to release the body for burial purposes.

It basically means that the medical examiner does not require the body for the purpose of further examination. This then results in two Certificates of Death, with the final certificate superceding the first document. The "cause of death" may be changed on the final Certificate because of the subsequent information which becomes available. The medical examiner completes the Medical Certificates of Death on the basis of the information he has received.

The next of kin are entitled to the Certificate of Death. They are also entitled to the post mortem information. Certain interested parties, as set forth in the Statute, can also get the post mortem information. The Office of the Chief Medical Examiner writes the next of kin and,

1. Advises what is being done.

2. What information can be obtained.

3. Sends an authorization so that the next of kin can limit who may receive information about the death.

Post mortem reports are not routinely given to police agencies. However, should such reports be given to them, the results are not to be released by them to the next of kin or anyone.

Dr. Butt believes that all Sudden Deaths should be considered and investigated as suspicious. The position he takes is that if the police view the death as truly suspicious, then the most senior police investigators should be on the case. The body should be protected for further examination. The scene should be protected to enable a thorough search to be conducted for physical evidence. The clothing is to be examined minutely as it may reveal significant information. Photographs should be taken both at the scene and at the post mortem examination. Body tissues and fluids should be taken for examination under microscope and for chemical analysis. Finally, the police should not give theories or conjecture to the pathologists. Dr. Butt has lectured at the Canadian Police College on this subject.

When the pathologist indicates there is no evidence of foul play, this means that the body as presented does not offer any such evidence. There is no anatomical or toxicological cause of death determinable. The classification of the manner of death is done by a process of elimination. When natural causes and homicide are eliminated there are still four classifications to be considered, namely "accidental", "suicide", "undetermined" and "unclassified".

Alcohol is present in a large percentage of unnatural deaths and toxicological examination becomes important. Drug screening becomes an important consideration. Body fluids, such as blood, vitreous humour and urine samples are used to determine alcohol levels. The ordering of a post mortem examination is a fail-safe position. All deaths that occur must be recorded and classified.

A further safe-guard in this system, is the Fatality Review Board, consisting of three voting members and Dr. Butt as the Chief Medical Examiner, who is a non-voting member. In certain circumstances, the Fatality Review Board can recommend a Fatality Inquiry, which is a Public Hearing into, among other things, the circumstances and cause of death. The Attorney General also has the power to authorize a Public Inquiry directly in some circumstances. Such an Inquiry reports to the Attorney General the time, date, place and manner of death together with the circumstances surrounding the death. It may make recommendations to prevent any future deaths from occurring. It may not make a finding of fault.

It is the medical examiner who declares and certifies the cause of death as natural or unnatural.

Dr. Butt indicated certain conclusions based on his experience and knowledge. He stated that there was no tendency, that he is aware of, where medical examiners classified a Native Sudden Death as alcohol related as opposed to other categories simply because it involves a Native. The presence of alcohol does make the post mortem examination more difficult because it tends to obscure or mask the cause of death. The fact that the person who ingested the alcohol happened to be Native is not a factor in arriving at this classification of "unclassified". The Chief Medical Examiner is not aware of any prejudice or bias respecting Natives either in the Chief Medical Examiner's Office or the police forces accountable to him. There may be an unconscious bias in cases where alcohol is involved, but it is with respect to the "alcohol".

It may well be "discouraging" for police officers to deal with Native deaths due to the regularity and reoccurrence of excessive alcohol consumption. Dr. Butt does not attribute this to prejudice but rather frustration in the perception of there being no apparent improvement. In Dr. Butt's perception it must be difficult for police officers to put forth sustained efforts in investigations where alcohol appears to be the reoccurring common denominator. Police officers may have been heard by Dr. Butt to use the phrase "another drunken Indian" but he interprets this only as their expression of frustration. He has never noted a police prejudice which operated to hinder investigational standards and never perceived a bias towards Native policing by the Royal Canadian Mounted Police. He stated categorically that he would report any such occurrence if it came to his attention.

Dr. Butt advised that the Fatality Review Board does appreciate and does consider it appropriate for the medical examiner to make recommendations as to whether a Fatal Inquiry should be held. The pathologist may make such recommendations as well.

A good relationship exists between the Medical Examiner's Office and the Royal Canadian Mounted Police. It is realized that police officers rely upon the pathologist to determine if foul play is involved in a Sudden Death and whether further investigation is warranted. The Medical Examiner's Office has worked well with all police forces and the cooperation seems of mutual benefit.

In a sincere effort to give increased meaning to the "frustration" associated with the number of Native deaths which involved alcohol, the Chief Medical Examiner's Office prepared a study of unnatural deaths of Blood Tribe members from the years 1975 to 1987. These files were manually found and tabulated. The number of unnatural deaths involved totalled 160 deaths. Of these deaths, a total of 11% were either not tested or results were unknown for blood alcohol levels. A further 19% of these cases tested negative for alcohol involvement. A full 70% of these Sudden Deaths, however, did test positive for alcohol. A total of 63% of the deaths tested at or above the legal blood alcohol limit of 80 milligrams per 100 millilitres of blood.

What was even more significant and shocking to Dr. Butt, however, was the fact that 44% of the total number of deaths tested at or above 200 milligrams of alcohol. A full 19% of the total deaths had individuals tested at or above 300 milligrams of alcohol per 100 millilitres of blood, or almost four times the legal limit.

Dr. Butt's evidence was considered so significant by the Blood Tribe that it was mentioned by Chief Roy Fox in his later evidence. It has caused the Blood Tribe to make a courageous self appraisal. They have publicly acknowledged the problem and sincere attempts are being made to cope with this problem.

Dr. Butt's conclusions and expert testimony regarding the Sudden Deaths was certainly of assistance to this Inquiry. His evidence was also accepted by the Blood Tribe Chief, Council and family members of the deceased in question. It is believed that better communication will evolve from the sincere concerns expressed by the Chief Medical Examiner.

2.5 GENERAL OBSERVATIONS

The tragedies associated with the Sudden Deaths investigated in Open Hearings and described in Appendix "I" is undeniable. These tragedies were reflected in the testimony of witnesses, Native and non-Native, that appeared before this Commission.

The Sudden Deaths, both in number and manner of death, bear witness to a cruel reality which faces the Native people residing on the Blood Reserve. A certain level of hopelessness and frustration soon became evident from Native witnesses. Not only the families involved, but the complete Blood Tribe, is directly affected by these deaths, due in part, to the extended family network and the sense of kinship that is shared by members of the Tribe.

There is, generally speaking, relatively limited positive contact between the police and Natives. This applies to both the Royal Canadian Mounted Police and Lethbridge City Police. Contact with the law is most often associated with alcohol abuse. The cases under investigation have borne this out. It was estimated that less than 10% of the Native population was so involved, but the whole Blood Tribe became coloured by being grouped with these contacts. Alcohol use and abuse has masked other medical and legal issues by its repetitious appearance. Assumptions have, unfortunately, been made by everyone involved in certain Sudden Deaths to the detriment of full and objective reviews by police forces, medical examiners and pathologists. This is a reality that all participants must come to terms with.

This is not done by simply making up a new policy or directive. This situation has not suddenly appeared but has developed over a number of years. Statistics regarding alcohol levels of Blood Tribe members who have died were produced by the Chief Medical Examiners Office. Dr. John Butt, Chief Medical Examiner for the Province of Alberta quoted from these statistics. The Commissioner was truly saddened by the high level of this abuse. The Blood Tribe Chief also recognized this as being an unacceptable situation. The Tribe as a whole has publicly acknowledged the problem and is actively pursuing a solution. There are many reasons why people turn to substance abuse but this is not the forum to enumerate them. Dealing with the problem is one way by which the Blood Tribe will regain its self-respect.

Blood Tribe members have directed much of their frustration outward at the authority figures who have traditionally exercised control over many of the aspects of their lives. The most immediate and routine contacts generally involve some member of the police agencies such as the Royal Canadian Mounted Police or, for off-reserve contact, the Lethbridge City Police. Compounding this frustration was the Native's perception and belief that the traditional "protector" role of the Royal Canadian Mounted Police had been eroded to that of "enforcer" of the white man's laws. In the Blood language the police are called "catchers".

An unfortunate reality, be it cultural or an attitude developed over time, is the Blood Tribe members apparent reticence to express their fears and concerns openly to the police. Added to this is the element of hostility, frustration and lack of trust that was so apparent in the testimony of a number of Native witnesses.

These attitudes are understandable. However, they are an obstacle to obtaining a satisfactory response when Natives approach the police with any initial concern. The police officers often do not perceive the Native's true concern. Consequently, they do not give the Natives the full attention they deserve. This is, to a great measure, the source of the often heard Native criticism that the police do not give them any "respect".

The Sudden Deaths investigated did outline a lack of knowledge on the part of police officers regarding the basic culture of the Indians. The police did not respond to the behaviourial or non-verbal cues provided by the members of the Blood Tribe they were dealing with. In the perception of the Native they showed a lack of respect or caring for their needs. Traditionally the Native accepts the word of an authority figure as fact. Off-hand remarks or making light of situations does not have a part in the Blood Tribe culture. On the contrary, the Native will draw an adverse conclusion which is difficult to dispell.

The Commissioner observed in the evidence a cultural insensitivity and paternalism on the part of a number of police officers. This is not believed to be a conscious bias or a deliberate attempt to insult or show disrespect. It is due to a lack of cultural knowledge. This, together with limited positive interaction with Blood Tribe members on a community social basis, has compounded the problem. Police officers also, at times, make an assumption that the Blood Tribe members have knowledge of certain police procedures which, if they stopped to reflect, is not accurate.

The specific Sudden Death investigations conducted by the police agencies are being reviewed by this Commission with the benefit of hindsight. It is difficult to revisit each case and ascertain what was happening at that time, at the actual scene of the incident or in the minds of the participants. There is a tendency to not recognize some of the factors that may have been involved, such as time of day, weather conditions, assumptions being made or caseload demands. These are certainly not accepted as excuses but they would account for variables impacting on the investigations. Most reviews of past events could find elements that could have been completed differently or better. Some of these have already been discussed and some others may merit discussion.

There was a confusion in certain cases over who had jurisdiction in the police investigation. This created unnecessary delays and frustrations. Discrepancies in evidence or "loose ends" were not always resolved prior to completing an investigation. This tended to fuel the rumours which surround Sudden Deaths.

Throughout the testimony it was obvious that the police witnesses felt they had been conducting their duties appropriately. They were surprised, startled and even hurt, when they learned how their actions were perceived by the Natives.

The matter of "perceptions" will be seen throughout this report as a major concern of the Inquiry.

3. PHASE II - CARDSTON BLOCKADE

3.1 DECISION TO INCLUDE CARDSTON BLOCKADE INTO INQUIRY EVIDENCE

The Deputy Solicitor General and his staff entered into negotiations with the Chief and Council of the Blood Tribe to set the Terms of Reference for this Commission of Inquiry. These negotiations were commenced June 23, 1988 and concluded with the enabling Order-in-Council signed by Her Honour the Lieutenant Governor of the Province of Alberta on March 2, 1989.

The issue of the "Cardston Blockade" as it became known, was never formally raised, or perhaps even alluded to by the Blood Tribe negotiators. The desirability and advisability of including this item within the Commissions' mandate was thoroughly and at times heatedly debated by all interested Counsel on behalf of their clients. Those who argued against inclusion were all the Representative Counsel with the exception of Counsel representing the Blood Tribe and Counsel for the Commission of Inquiry.

The arguments against including this confrontation between the Blood Tribe, Royal Canadian Mounted Police and the merchants of Cardston were eloquently stated. The Blood Tribe, however, argued that it was the one significant incident since the signing of Treaty #7 in 1877, and its subsequent amending Treaty in 1883, which dramatically highlighted the disillusionment of the Natives with the Royal Canadian Mounted Police.

The Cardston Blockade was the watershed event which publicly aired the Blood Tribe's perception of policing, and the policing of them by the Royal Canadian Mounted Police.

Notwithstanding the fact that reinvestigation of this incident in public would, without a doubt, reopen old wounds between the three parties concerned, the Commissioner ruled that it must be heard and included as coming within subsection (k) of the Terms of Reference (See Appendix A.). If there was any doubt as to this ruling, the Commissioner advised that he would request the Provincial Government to clarify the issue by amending the Terms of Reference to accommodate this item being fully reviewed.

On October 11, 1989, the Commissioner determined the issue by reading into the record the following statement:

> "I wish to make you aware that I have ruled that the Cardston Blockade be included in this Inquiry for the sole purpose of pinpointing the policing issue...The reason or reasons for the Blockade and the resulting confrontation is generally agreed to be a land claim which, as far as I know, is presently under civil litigation. That is not within the Terms of Reference of this Inquiry, except for the issue of policing,...I will hear evidence relating only to policing; policing as perceived and carried out by the Royal Canadian Mounted Police in response to a situation that they were required to respond (as peace officers). This applies as well to the Native perception of what they did, why they acted as they did...I am interested in hearing what their expectations of the police were."

Having ruled its inclusion, the Cardston Blockade became Phase II of the Inquiry.

3.2 OVERVIEW OF SIGNIFICANT EVENTS

An element of the Blood Tribe was attempting to push the Tribe's long-standing land claims to a point of negotiation and, hopefully, to a conclusion with the appropriate Federal Government Ministers. The Natives had long alleged that they were not taken seriously and it appeared that progress in such negotiations were at an impasse.

These young Blood Tribe members, under the leadership of Dennis First Rider, organized a "Run" to Ottawa with a sacred bundle containing land claim documents and soil from the Blood Reserve. In this endeavour they had the full support of the Blood leadership and Elders. They carried the sacred bundle from Blackfoot Crossing, the site of the signing of Treaty #7, to Ottawa. In the Native tradition, they wished to deal with the senior members of the Federal Government who would be empowered to act. In this case, they actually wished to deal with the Prime Minister of the day, the Right Honourable Pierre Elliot Trudeau and his Minister of Indian Affairs, the Honourable John Munro. The "Run" was completed and these documents delivered to the representatives of the Federal Government on the steps of the Parliament Buildings in Ottawa. The sacred bundle was presumably passed on to the Prime Minister.

The "Runners" demanded a governmental response to their concerns within 75 days. There was no response within this period of time, which lapsed on July 19, 1980, during the celebration of Indian Days on the Blood Reserve.

Dennis First Rider called a meeting of the "Runners" on Sunday night, July 20, 1980 at the conclusion of Indian Days. These young men became his "council". By consensus it was agreed that the Bloods would blockade the site of land in Cardston which they called the "Little Land Claim". They would deny access to the business establishments in this area. Their avowed purpose was to publicise their claims and prod the Federal Government into dealing with their concerns. The incident began in the early hours of Monday, July 21, 1980. The police and the Cardston merchants and citizens awoke to find a teepee erected on the access road to the grain elevators and the bulk gas and oil stations adjacent to the Blood Reserve.

The Royal Canadian Mounted Police attended and was advised by Dennis First Rider that the intent of the incident was to secure a meeting with the Federal Minister of Indian Affairs to discuss their claims and concerns. The triangle of land in dispute was expropriated by the Federal Government in 1928 and turned over to the Canadian Pacific Railway for the erection of elevators and other railroad business and commerce. It was for this reason that the Blood tribe members chose this site.

The Indians repeatedly advised the Royal Canadian Mounted Police that this was to be a non-violent demonstration. There was to be no alcohol or weapons on the site. With the exception of one person, Milton Born With A Tooth, a Peigan Indian, all "council" participants were Blood Tribe members. Dennis First Rider, as their leader, kept it a Blood Tribe issue.

Negotiations were carried on throughout July 21, 1980, without much headway being made. The police instructed Dennis First Rider and his blockaders to take the blockade down by 7:00 a.m., July 22, 1980. The Natives did not comply with these instructions. The result of this failure to comply resulted in 17 members of the Blood Tribe being arrested. They were arrested under the appropriate section of the *Criminal Code* for blocking the highway. Barricades were removed and vehicles were towed away. All prisoners were released later in the day on their own recognizance. It is noteworthy that although release documentation contained the undertaking that they were not to return to the site of the blockade, the Natives with rare exception returned in defiance of this prohibition.

On the morning of July 23, 1980, two large earthmoving machines were brought in to block access to the business establishments. These vehicles were the property of the Blood Tribe. It was never ascertained by who's authority these vehicles appeared on site. Once again, negotiations commenced both with the Natives and the Department of Indian Affairs through the Royal Canadian Mounted Police. The police had been trying to get the Natives to abandon their blockade tactics and at the same time keep the growing resentment of the merchants and citizens of Cardston in check. They were now the intermediaries in the negotiation process. The regional representative of the Department of Indian Affairs was to contact his Ottawa superiors. The police agreed to wait for Ottawa's response before taking any further action.

On July 24, 1980, the Minister of Indian Affairs contacted the Blood Tribe blockaders and agreed to both a meeting and to the topics of discussion. He stated that a telegram would follow confirming these matters. Upon receipt of the telegram of confirmation, the blockade was to be voluntarily abandoned. This failed to satisfy certain members of the group involved in the blockade. The Minister was advised that the response was unacceptable and additional demands were made. A second telegram was sent by the Minister of Indian Affairs agreeing to a meeting on August 4, 1980 at the Blockade site.

Dennis First Rider, the leader of the Bloods for the purpose of the blockade, then required that certain guarantees be obtained from the blockaded merchants. The Royal Canadian Mounted Police was specifically required to obtain these. All merchants met the new requirements, as specified by First Rider. However, two of them gave their personal compliances, subject to their principals or owners confirmation. These "guarantees" were rejected by First

Rider. He is on record stating that he was stalling for time. He hoped to hold the negotiations with the Federal Minister (on the agreed date of August 4) with the blockade still intact.

When this became obvious, the police officer who had been sent to the scene by the Commanding Officer of 'K' Division to take charge of the situation, was instructed to take the barricades down and thus effectively break the blockade. There were numerous arrests of Natives as a result of this physical confrontation on July 26, 1980. The scene became ugly and extremely dangerous. The potential for death and injury remained for the balance of that day and evening. It actually erupted into a second confrontation at the Police Detachment. The Natives demanded the release of their Elders, youths, women folk and their leaders.

A third confrontation occurred in the early hours of Sunday, July 27, 1980 when the Indians left the Cardston Detachment and returned to the blockade site. Their mood was ugly and the situation highly volatile. They were now under the leadership of Milton Born With A Tooth who acted as second-in-command to Dennis First Rider, who was being held in cells. There was a physical confrontation between Indians and police. Had it not been for the two police dogs and their handlers, the crowd could not have been controlled. As a result, the situation was successfully defused. Certain Indians were arrested by the police. The other Indians returned to the reserve land immediately adjacent to the blockade site.

All charges arising out of the blockade were stayed or withdrawn by the Attorney General of Alberta. This exercise of his sole prerogative does not require any explanation on his part.

3.3 BLOOD TRIBE PERCEPTION OF EVENTS

The Natives have had long standing grievances with the Department of Indian Affairs. They have been trying to take control of their lives and future, particularly since 1964 when certain autonomies were granted them. The younger and more impatient Indians wanted some action from the Federal Government on their major concerns. Since no such action was forthcoming, they sought to bring pressure to bear on the Department of Indian Affairs which had guided their lives and destinies for a 100 years or so.

Without passing judgement on the legality of their actions, the Natives had the perception that as long as the action was non-violent they were within their lawful right to act as they did. It is also clear that they perceived the land as theirs rather than land to which title was in dispute. They felt they would get the support of the merchants and residents of Cardston in their negotiations with the Federal Government. This is what the Indians perceived would flow from their actions.

The Native, though not having the historical view of the "Red Coat" as the saviour and protector, still looks to the said "Red Coat" for protection. There is a mutual bond, though tenuous at times, that is not easily removed from the fabric of the Native culture in Western Canada. It was, perhaps, because of this mutual bond that peace was maintained by the police in this situation. The Native wish for self-determination and independence is, however, burgeoning under the impetus of a growing group of educated young Indian people.

The Natives were astonished, frightened, and then very angry at the intimidation tactics of the Emergency Response Team (E.R.T.) from the Calgary Royal Canadian Mounted Police Subdivision present at the blockade site at the base of buildings and on one or more roof tops armed with tactical weapons. This was at a time when only a dozen or so young Natives were on the blockade line. Some Elders were present from time to time, as were some Blood women and children. The presence of these specially trained police officers in their distinctive combat uniforms only served to harden the resolve of the blockaders. More importantly, it ensured that the memory of the incident will be long in fading from the memory of the Blood Indians.

The incident of dismantling the teepee was unfortunate. The fact that no one had sufficient knowledge to take it down proved humorous to the Indian. The threat to pull it down with a chain was viewed as heavy handed, particularly since Dennis First Rider's elderly grandmother was in the teepee, having refused to leave until her grandson was released. She was a feisty, determined elderly woman with little facility in the English language. She eventually left the teepee and trudged the short distance to the Cardston

Detachment. The officer who negotiated her departure made her no promises regarding Dennis First Rider's release. He wished to drive her to the detachment, an offer that was angrily rejected. The Indian perception of this particular incident was that the woman was deceived by the Constable and tricked into leaving the teepee. It is perceived, and believed to be another example of police deceit and proof of the untrustworthiness of the Royal Canadian Mounted Police.

Negotiations with the police to have persons released were viewed one way by certain Tribal Counsellors and their advisor whereas the police saw it in a completely different light. The intervention of the agents of the Attorney General appeared to be a hindrance. It was never properly explained that release procedures under the *Criminal Code* is a judicial decision. It was not, as stated by some of the police, their decision to keep the Natives in custody. No one took the time to clarify this to an ever more hostile crowd of Natives. The final decision to have some of the Natives, considered the ring-leaders, taken to Lethbridge to be dealt with there was deemed by the Natives to be wrong. The Natives perceived that they were being mistreated. The Native's anger focused upon the police as the visible arm of the Justice system.

The confrontation on the early morning of Sunday, July 27, 1980 was a situation of grave danger to both the police and to the Natives. It would have taken very little to ignite this explosive situation. If the dogs had not been there, it is impossible to gauge the results of a violent meeting between police and protestors. The Native considered the presence of the dogs to be a show of unwarranted force directed toward them. The Native believed it was the duty of the police to protect them, not to attack them.

3.4 DESCRIPTION AND DISCUSSION ON THE ROYAL CANADIAN MOUNTED POLICE RESPONSE

The members of the Cardston Detachment first became aware of the Blood Tribe blockade when the Shift Corporal was driving to the office at 7:00 a.m, July 21, 1980. He immediately notified his superiors. Staff Sergeant Grant, the Cardston Detachment Commander, then visited the site and spoke to Dennis First Rider, the leader and spokesman for the group which numbered at that time about 12 young men.

The police made their assessments on that first day, reporting the matter to 'K' Division headquarters. They received their instructions from Inspector Sebastian, the Contract Policing Officer and Assistant C.I.B. Officer. With the information the police had, they decided to remove the barricades and take down the blockade. Staff Sergeant Grant, following his instructions, informed Dennis First Rider and gave him the ultimatum that the barricades must be removed by 7:00 a.m. the following day. Dennis indicated that the barricades would not be taken down voluntarily by the blockaders.

In the meantime, Staff Sergeant Roland Barber, the Acting Commander of Lethbridge Subdivision of the Royal Canadian Mounted Police; Staff Sergeant Lyle Lambert, the West Section Non-Commissioned Officer who supervised the Cardston Detachment as part of his duties; and Sergeant William Jones of the Highway Patrol, the Commander of the Subdivison's Tactical Unit met in Lethbridge to prepare a contingency plan for dealing with the removal of the barricades and to clear the site. Staff Sergeant Grant, the officer at the blockade site, was not present at the meetings.

It appears that Staff Sergeant Grant sometime earlier had been in receipt of information that there was to be a confrontation with the police after Indian Days, 1980. There was no indication of actually when or where such confrontation was to occur or that it was the Blood Tribe that would be involved. Grant had also sometime previously received information from an informant that the Detachment at Cardston would be blown up. He placed little, if any, credence in such information, but passed this information to Corporal Smith, of the Calgary Security Service. The Calgary Security Service confirmed they had received the same information but could not elaborate on it. Staff Sergeant Grant discounted the information because, as he stated, the Calgary Security Service were using the same informant that he was. The departed Superintendent Niedzwicki, Lethbridge Subdivision Commander apparently had information regarding a confrontation but this information was never shared with Staff Sergeant Grant. It is unclear from the records as to how this information came to the knowledge of Staff Sergeant Barber or Staff Sergeant Lambert.

Certain known members of the militant American Indian Movement (A.I.M.) were in the area. It is clear that the American Indian Movement wanted to become involved, but were denied by Dennis First Rider on the basis that this was a Blood Tribe issue only. This information was not, however, available at the time Barber, Lambert and Jones planned what resources would be sent to the assistance of the Cardston Detachment.

It was decided by Barber, Lambert and Jones that the Lethbridge Subdivision Tactical Unit would be sent to Cardston as back up to the local detachment. It was Sergeant Jones' demand that the Emergency Response Team be obtained from Calgary and be deployed to physically and psychologically back-up the Tactical Unit. In retrospect their positioning or deployment could not have been useful in protecting their members if violence had occurred during the first arrests. On the basis of the available "intelligence", Inspector Sebastian gave Calgary Subdivision authorization to mobilize and dispatch the Emergency Response Team to Cardston.

This unit arrived just before 7:00 a.m., July 22, and Staff Sergeant Lambert briefed the Emergency Response Team's Commander, Corporal Lauber at the detachment office. The six unit members, together with a Cardston officer as guide, went to the scene. Staff Sergeant Grant, accompanied by Constable Wakaluk, confronted the blockaders, and demanded compliance with his ultimatum of the night before. The Emergency Response Team, in full view of the Natives, took up positions so that the members they were to protect were between them and the blockaders. Corporal Lauber and one other officer had positioned themselves on the roof of the building behind Grant and Wakaluk, in full view of the Indians. The use of the Emergency Response Team was never approved of by Staff Sergeant Grant, but he acquiesced in its use by his supervisors.

The Emergency Response Team was dressed in camouflage fatigues and heavily armed with scope equipped rifles and shotguns. Their presence initially caused great concern and fear to the Indians, and subsequently much resentment and anger. The news media made much of this show of force. Before the arrests were completed, the Emergency Response Team was recalled by Staff Sergeant Lambert from his post in the detachment office. The squad was held in the detachment for the balance of the day, and recalled to Calgary in the early evening. Staff Sergeant Lambert and Corporal Lauber were of the opinion that this show of force was a useful intimidating tactic and might even become a bargaining point with the Indians in the future.

The Tactical Unit was dispatched from Lethbridge and arrived in the dark hours of the morning of July 22. The Unit was held out of sight at the arena five blocks from the blockade site. They were never used and later that evening they were returned to Lethbridge.

Corporal Banham and his dog, Atilla were called in from Cochrane. They spent all day in the Cardston Detachment building before retiring to a motel. Banham was kept out of sight, because of Staff Sergeant Grant's wish not to show too much force. Banham and his dog took no part in the first set of arrests. He returned to his duties at Cochrane without his presence having been made public.

The Royal Canadian Mounted Police had an aircraft leased for observation purposes but it does not appear to have been used.

The arrests of 17 Indians occurred on July 22, 1980, commencing with Dennis First Rider and then Milton Born With A Tooth. Other than a brief scuffle between Milton and Staff Sergeant Grant, there was no violence and no resistance, passive or otherwise by the Indians.

The persons who were arrested were released. A condition of their release was that they no longer take part in the "demonstration" and not go to the blockade site. They immediately returned to the site. Two giant earthmovers, owned by the Blood Tribe, appeared on the site and were used to block roads on July 23, 1980. There were more people around the site, presumably to try and influence the negotiations with the regional representative of the Department of Indian Affairs, Mr. Jack Tully.

Negotiations were conducted and Mr. Tully emerged and stated that the meeting had come to an agreement. There were certain less important issues that he felt could be resolved by the Minister of Indian Affairs very quickly. There were, however, also some serious issues that would take quite some time to resolve. He was confident that the Minister would act on these less important issues right away. Mr. First Rider indicated that if the less important issues were in fact resolved immediately then the blockade would be lifted.

As a result of these negotiations it appeared that the blockade would be lifted. Dennis First Rider wanted assurance that no police action would be taken against the blockaders during this time. Inspector Sebastian concurred in holding off action in the interests of achieving a negotiated settlement. Inspector Sebastian then advised Staff Sergeant Grant that Inspector Richards was being dispatched from Calgary to take over command of the police.

The police met with Dennis First Rider, Leroy Little Bear, Len Black Rabbit, Keith Chief Moon, Philip Mistaken Chief and Lester Tail Feathers on July 25. Certain documentation forming guarantees by the merchants had been collected by the police in response to a demand by the blockaders. These were deemed insufficient by Dennis First Rider and he refused to lift the blockade voluntarily. It was the opinion of the police that the blockaders were disregarding the negotiations in order to obtain more media attention.

It was decided by the police, therefore, that the situation could not be allowed to continue. The police had legal advice that the blockade was illegal. It dealt with land whose title was and is in dispute. The affected merchants were most unhappy. It appears, certainly in the initial stages, that the general population was more curious than offended. Certainly there were some from the Cardston Community that made matters very difficult for the police. Some of the professional people from the community mingled with the Natives attempting to persuade them to abandon their protest. This did not assist the police in doing their duty.

The local political leadership, with several exceptions, took an extreme view of the "non-action" of the police, as they perceived the situation. The mayor wanted to "deputize" the citizens and take the law in his own hands. He also suggested counter blockades as an answer. Some of the local youth taunted the Indians. Such action may be understandable, but it certainly does little in keeping tempers in check.

The police perceived that it was their duty to put an end to the illegal activity. They feared that the deteriorating situation would lead to violence. Up until this point, the only violence had been Milton Born With A Tooth's brief scuffle with Staff Sergeant Grant on July 22, 1980. Feelings were, however, escalating in the Town of Cardston against the Indians and the perceived inactivity of the police. The Natives were also becoming restless. Staff Sergeant Lambert was getting information that the American Indian Movement wanted to participate, and in fact two known members were waiting at Fort Macleod. Support was supposedly also coming from other reservations. There was the suggestion that Saturday night, July 26 would escalate the negative feelings, particularly when the Natives started returning from Babb on the American side of the border. Staff Sergeant Grant was not of this latter opinion. He agreed, however, that if the barricades were to come down it should be in daylight. Inspector Richards and Staff Sergeant Grant delivered the ultimatum to Dennis First Rider and his council of runners requiring them to remove the blockade.

Inspector Richards then ordered the Tactical Unit to return to Cardston from Lethbridge. He requested the dogmasters and their dogs from Cochrane and Red Deer be sent with all dispatch to Cardston. They were apparently to be used in the security of buildings when the blockade site was cleared. Richards did not deem it necessary to recall the Emergency Response Team.

He was now dealing with an expanded group of people. The blockade site was almost festive with Native women and their children present. There were some Elders and also some Native bureaucrats on the site. The original group was now being supported by a generous cross-section of the Blood Tribe. Inspector Richards requested 10 members from the Tactical Unit be dispatched by police vehicle in advance of the Unit's bus. He used these men to augment the Cardston Detachment members on the police arrest teams.

When the dispersal deadline passed, having been ignored by the Natives, the Inspector ordered his arrest teams into action. The police had some initial difficulty in moving the earthmoving machinery but it was eventually moved. There were 33 arrests, most without incident. It was an extremely hot day. Many of the Natives adopted the ploy of going limp, thus forcing the police to carry or drag them to the vehicles. These vehicles had been in the sun for an extended period of time and the interiors were suffocatingly hot and uncomfortable. Some of the arrest incidents are worthy of description.

John Chief Moon, a member of the Alberta Indian Association executive, was arrested. He had been taking photographs with a camera which was hung on a strap around his neck. Everything was going smoothly until John objected to the two officers, who had him by the arm, stopping so that a photograph could be taken of him. In the ensuing melee Constable Graham suffered a severe head injury resulting from a blow to the head with the camera. Chief Moon was forcibly subdued by several officers and dragged to the police vehicle to be taken to cells. John's father, Dan Chief Moon, believed to be 80 years old, came to his son's aid attacking one of the officers, Sergeant Morley, from behind. Morley fell into the ditch. Staff Sergeant Grant went to the aid of Morley and pulled Dan Chief Moon off of him. The result was that Grant fell into the ditch with the older Chief Moon on top of him. The old gentlemen was then subdued and taken to the police vehicle.

Winston Bird, an older person, started to scuffle with the arresting officers and was manhandled into the police vehicle. He was suffering from ailments which eventually required considerable medical attention. Such medical treatment was not the result of police actions. Winston was a Christian Minister of the Assembly of God at the time. He stated that he had arrived late the afternoon before. His reason for being there was that he believed in the protest to bring attention to the land claims. He returned a second time at approximately 11:00 the next morning. Winston stated he heard the Inspector tell the people they had five minutes to disperse. He was going to go over to the reservation when a young woman, Valerie Tallow stopped him. Whatever she said to him changed his mind about leaving, so he stayed to be arrested. His statement was that after one officer spoke to him he was left alone. Then subsequently three officers approached him. He indicated that he was struck on the head, which he stated made him lose consciousness momentarily. Two officers grabbed him while the third apparently slapped his hat on his head. He was then lifted and walked to the police vehicle. He was placed in the same vehicle as Mildred Chief Moon and Valerie Tallow.

Mildred Chief Moon, being loyal to her husband and to her people, refused to disperse. She sat with other women at the edge of the scene. Mildred had gone to the blockade site after lunch with her husband John. The police came to her and she was lifted up by them because she refused to leave. She stated she didn't get up because of modesty. She was an older woman. Mildred stated she went limp and police dragged her to the police car. She had no recollection of any conversation with the police. She had been held by the arms. When she got to the vehicle, she attempted to straighten out her clothing but stated the police twisted her arm and pushed her into the vehicle. She apparently told them they had broken her arm because it appeared all out of shape. Mildred was booked in and placed in a cell with other women. One of these women finally brought Mildred Chief Moon's distress to the attention of the Matron and she was taken to hospital. There is some doubt in the minds of medical authorities as to whether the injury to the arm was old or new. She was taking medication to thin her blood and prevent clotting which made her more susceptible to bruising and injury. It appears that the better expert opinion is that the arm injury was older in nature, but aggravated by the "violence" she was subjected to.

Melinda Bull Shields is a Blood Indian who had been living in the United States for several years. She stated she came into Cardston to do some business when she saw the crowd at the blockade site. She stopped by, out of curiosity, to find out what it was all about. Melinda apparently arrived after the Inspector had warned the people to disperse. She witnessed old Mr. George First Rider being given a violent push and taken away. This appeared to be when he was trying to get his coffee thermos from under one of the earthmovers which was in the process of being moved.

Melinda appeared to have been ignorant of the causes surrounding the activities of the blockaders and claimed she was given no opportunity to leave but was grabbed by the police. She objected to being grabbed in this fashion, as she was pregnant. She advised the officers of this but admitted that they may not have heard her. Melinda Bull Shields resisted vigorously, if not violently, at being arrested. She didn't wish to go to jail. She resisted until she was on the ground and her hands handcuffed behind her back. She did not suffer any real physical harm as a result of her experience.

The scene was cleared of blockaders. Later, other members of the Blood Tribe came to the scene. These persons were younger and were now led by Milton Born With A Tooth. Milton did not have Dennis First Rider to control him at this time. There were several older persons and members of Chief and Council present. These people gathered at the detachment building in Cardston. They demanded the release of the Elders, women and juveniles who had been taken into custody.

In the course of the evening, two agents of the Attorney General from Lethbridge had attended. The senior agent stopped at the blockade site to speak with the Natives. It is apparent that he promised them that all persons would be released. Lester Tail Feathers, Philip Mistaken Chief, Teresa Fox, Leroy Little Bear and some of the older persons in the crowd demanded that all persons be released immediately. Inspector Richards later advised the Natives that the Elders, the women and the juveniles would be released but that the leaders would not be released. This confrontation further inflamed the Natives.

The Blockade site was then revisited by a large and angry crowd of Natives. The four to six officers who had been posted on the site to protect it were in very real danger of being injured. One of their vehicles was, in fact, damaged. Some of the protesters threw rocks and missiles of some sort.

Inspector Richards and Staff Sergeant Grant responded immediately to the scene. Of note was that the Lethbridge Subdivision Tactical Unit was in Cardston but was held in reserve. Corporal Banham and his dog Atilla were on the fringe of the activity. Corporal Neville and his dog Aaron were also near the scene. These persons had arrived in Cardston unknown to the Natives. Neville had been instructed to be near the scene whereas Banham appeared to be working on his own initiative. They kept abreast of developments by listening to radio communications. These members realized the serious position their fellow officers were now in at the site and arrived to back them up and assist. Other members were recalled from their homes and directed to the blockade site. The time appeared to be about 1:30 a.m., Sunday, July 27.

The Indians, led by Milton, with Gerald Tail Feathers on his left and Esther Tail Feathers on his right, faced Inspector Richards and Staff Sergeant Grant. The Indians were behind Milton. Royal Canadian Mounted Police officers were on either side of the Inspector. Through negotiation and at the insistence of Leroy Little Bear, the Blood Tribe Police had been on hand since early evening to assist in preventing violence. Some of these officers were on hand either on foot or in their vehicles.

Corporal Banham arrived with his dog and positioned himself to the left of the Inspector. Corporal Neville and his dog arrived almost simultaneously and positioned himself further to Banham's left. The Natives were shocked and frightened by the unexpected arrival of these dogs. It was obvious from the evidence that Esther Tail Feathers was terrified. She was standing stiffly before the officers and in front of the crowd behind her, but still defiantly challenging the police.

In the perception of the Inspector and the police, Milton Born With A Tooth was inciting the Natives to violence. He was waving a carved stick or club in the direction of the Inspector. Milton must have then made a threatening motion toward Richards because the dog Atilla immediately attacked him. In order to do so he leaped past Esther and grabbed Milton's threatening arm in his jaws, taking him to the ground. Milton struggled and the dog bit him in the thigh. Other arrests swiftly followed.

Gerald Tail Feathers was arrested immediately and without incident. The evidence suggested that Esther fainted as the dog went by her. She was physically taken down by one of the officers and turned over to two others to be placed in a vehicle for transportation to cells. It is obvious that she was badly frightened by the dog. The evidence discloses that she was already falling to the ground when she was physically arrested.

The two dogs were then used to control the crowd. They pushed the crowd back to the boundaries of the reserve. By agreement, the Blood Tribe Police then patrolled the roadway and an uneasy peace prevailed.

Court proceedings were underway before a local Justice of the Peace. This was for the purpose of hearing bail applications. The Indian people outside of the Royal Canadian Mounted Police Detachment were not allowed into the "court room" setting. The rare exception, such as Philip Mistaken Chief, was allowed in because he was a member of the Blood Tribe Council.

All but 11 persons who were arrested on Saturday and early Sunday were released. These 11 were considered ring-leaders and the Justice of the Peace, at the request of the police, put them over for Bail Hearings before a Judge of the Provincial Court in Lethbridge on Monday morning, July 28. Esther, her cousin Gerald, Dennis First Rider, Milton Born With A Tooth, and the late Valerie Tallow were deemed to be leaders and they were among this group. The presiding Judge released them all on their own undertaking on the Monday.

The Attorney General in his wisdom and sole discretion had the charges stayed or withdrawn. This exercise of discretion is not required to be justified by the Minister. It most certainly need not be justified to the police no matter how much they disagree with the manner in which this discretion is exercised.

3.5 GENERAL OBSERVATIONS

Dennis First Rider and his group of young Blood Indians wished to bring publicity to the "stalled" negotiations with the Government of Canada about certain Blood Tribe concerns, in particular, its land claims. It is clear that the majority of Chief and Council and probably the population of the reserve did not support radical action and for this reason the "Run" to Ottawa was undertaken. The support of the Blood land claims is universal throughout the reserve, but there is no agreement as to what action should be resorted to in order to move the negotiations on to a solution.

This "Run" was carried out and the "sacred bundle" delivered to the Prime Minister of the day. They made it very clear they would take further undisclosed action if a reply was not received within 75 days of this delivery. Failing to get a response from Federal authorities resulted in this more radical action.

It is in evidence that the time expired during Standoff Indian Days. Dennis, now the "Chief" for this purpose, and his Council of "runners" waited for this celebration to finish. They wisely felt that there were too many strangers from other Native communities present in the community. Had they started their blockade under such conditions they would have lost control very quickly. The Ottawa authorities had ignored their request. They decided to blockade the Canadian Pacific Railway (Marathon Realty) land in Cardston which is the subject of their "Little Land Claim".

Dennis' perception was that since the lands were originally part of the Blood Reserve, the Indians had the right to occupy the lands; even though title to the land was in dispute. He believed that there was nothing illegal about such an occupation. This appears to be a fundamental perception of the Native. Keeping this in mind, they conducted themselves in a manner appropriate to this perception.

The Royal Canadian Mounted Police saw the situation as a breach of the law, and an act endangering the peace. The situation was considered fraught with the potential for violence which required defusing as quickly as possible. The local officer in charge of the detachment kept the potential belligerent parties at arms length while he sought the advice of his superiors. This was not a situation when the historical paternalistic feelings for the Indians took precedence. This was where the primary duty of the police was to uphold the law and to keep the peace.

In the opinion of the Mayor of Cardston, the police were not carrying out their responsibilities and dismantling the blockade. Some of the other merchants and members of the Cardston Community concurred with this opinion. This

Inquiry, at the Commissioner's insistence, de-emphasized the friction between the Cardston community and the Blood Tribe. It surfaced from time to time, particularly in the news media during the course of the Public Hearings. That there was an aftermath of ill feeling was understandable and expected.

The parties involved are very proud people, and it will take a long while for new accommodations and trust relationships to be established. The Commissioner feels it important, however, to state that Staff Sergeant Grant, the Cardston Detachment Commander upon whom the wrath and criticism of the Natives fell, should be credited with keeping the angry Cardston Council and the even more angry merchants who bore the brunt of the blockade effects, from taking matters into their own hands and doing irreparable harm.

It is obvious that the Indians failed to grasp the legal situation in their extreme frustration over the delays, as they perceived them, in concluding their land claims and concerns. They failed to understand the fine distinctions of the divisions of jurisdictions between the Queen in the Right of the Province and the Queen in the Right of Canada. At the period of time in question, the only governmental authority the Indian would deal with was the Federal Government. Their primary concern was to bring the Government person who had the authority to commit the Government to the bargaining table. They took it for granted that the police would help them.

They assumed that the sympathy of the merchants would be with them even though their action hurt the merchants financially. The Indians felt that the Cardston merchants would bring pressure to bear on the federal authorities to come to the negotiation table. These perceptions and misconceptions brought about the physical confrontation between the Indians and the police.

The Commissioner believes that feelings of animosity and distrust are simmering beneath the surface to this day. It appears that as far as some of the young generation of Indians are concerned, this hostility and distrust is barely, if at all, concealed.

As a result of the action by the Indians, nothing was really positively accomplished. The federal authorities still delay the final resolutions of the underlying issues. The police failed to appreciate the magnitude of the frustration of the Indians. The police concentrated on their primary duty as they saw it, namely to respond to the threat of the peace being disrupted. They were truly caught in the middle.

The Royal Canadian Mounted Police detachment is in Cardston though almost all of the police stationed there are responsible for policing the Blood Reserve. The fact that the police invariably lived in Cardston made them appear to side with the parties who were at odds with the Indians. The police role, in the perception of the Indian, was now reversed from protector to protagonist.

The interference of the two agents of the Attorney General on the evening of July 26, 1980 was most ill-advised.

It is of concern that the agents of the Attorney General absented themselves from bail hearings. If the promise to release everyone had been kept, it would have been within the authority of their office to "have no representation to make" to the presiding justice thus requiring him to release the accused person in a "promise to appear".

The Commissioner believes that the Attorney General exercised his discretion wisely in staying all charges. The Attorney General was subject to certain criticism from the residents and from the police. To have proceeded with the prosecution of these charges, however, would have deepened the wounds of resentment even more. Only concentrated efforts on the part of the Blood Tribe members, the police and the white community of Cardston will soften the hardened attitudes and thus enable all parties to live in cooperative harmony.

By and large, the media monitoring this Inquiry have behaved honourably and reported the blockade evidence accurately, for which the Commissioner is grateful.

Official records of these incidents never disclosed the violence and fear apparent in all parties. This was particularly so in the reports of the police to their senior officers. This Inquiry disclosed certain instances of police exhibiting force which in the perception of the Indians was excessive. These instances occurred in the third and last series of arrests. Ten years after the event, it is difficult to estimate the depth of damage inflicted on the trust relationship between police and Natives. Hopefully a start has been made to restore the trust as a result of this Inquiry.

4. PHASE III - INTERFACE - NATIVE CULTURE - FEDERAL AND PROVINCIAL POLICING POLICIES AND PROCEDURES

4.1 DIVISION OF EVIDENCE

The Inquiry's last phase of evidence commenced on January 8, 1990 and was completed on March 28, 1990 when the Commissioner adjourned the Hearings sine die.

This last phase, Phase III, reviewed Native culture and how it perceptually interacts with federal and provincial policing policies/procedures. Both historical and current perspectives were examined. Evidence was first presented by a cross-section of the Blood Tribe membership. This included the Chief and Council, Respected Elders and Blood Tribe youth.

Counsel for the Government of Canada and the Royal Canadian Mounted Police then provided a comprehensive set of exhibits and presentations. These focused on the history of the Royal Canadian Mounted Police and the Blood Tribe, and the recruitment and training of Royal Canadian Mounted Police members as it related to Native policing. It brought to the Inquiry the current and proposed responses by the Force to perceived problem areas. The role and validity of the Blood Tribe Police projects, both I and II, were then examined.

The City of Lethbridge and the Province of Alberta then were examined as to their role regarding the issue of policing and the Blood Tribe members.

The respective Representative Counsel led evidence in chief for their witnesses with other Counsel clarifying such evidence as they considered necessary. Commission Counsel made certain that all evidence was examined and clarified in detail.

Though a large part of this evidence was subjective, it provided the Commissioner with a greater understanding of how Native and white societies have clashed culturally, particularly with respect to their perceptions of how police services should be delivered to the Indians.

4.2 OVERVIEW OF ISSUES

The Blood Tribe has a membership in excess of 7,000 persons of which over 5,600 live on the Blood Reserve in southern Alberta. This population is approximately 12 1/2% of the status Indian population in Alberta. The Native population in Alberta (including status Indians, non-status Indians and Metis) is roughly 160,000 persons and makes up 6% of the provincial population.

The Blood Tribe's land base is 548 square miles and is the largest land base for a reservation in Canada that was granted by original treaty.

The Blackfoot Confederacy, of which the Bloods were the dominant tribe, were nomadic. They roamed the lands of Alberta and Saskatchewan, from the North Saskatchewan River into the States of Montana and the Dakotas. With the arrival of the fur traders, contact was made with the European, firstly through the Cree and then directly with the whites. Because of the superior weapons of the Cree (obtained from fur traders), the Cree restricted the Blood's traditional territory to the lands south of the Red Deer River. It was in this territory that the Bloods co-existed with the land and its inhabitants. This was the situation that prevailed when it became desirable for the Government of Sir John A. MacDonald to make "treaty" with the Blackfoot Confederacy. McDonald was therefore able to achieve his ambition of completing the railroad to the Pacific Ocean.

The old *British North America Act* of 1867 was re-enacted as Canadian legislation in the form of the *Constitution Act*. This sets out the jurisdictions of the Federal Government, Provinces and Territories. This becomes most important when dealing with policing. To put it in its most simple terms, although the legislative authority rests with the Federal Government for the reserves, the responsibility for the administration of justice is that of the Provincial Government.

The basic problem of legislating the law applicable to the Indian is a point of contention between the Department of Indian Affairs and Northern Development (D.I.A.N.D.) of the Federal Government and the Status Indian. The responsibility for the policing of the reserve is a jurisdictional debate between the Federal Government, the Provincial Government and the Indian. The question of who, in fact, pays for the delivery of policing services to the reservation is at the very root of negotiations on these points of concern.

As in the rest of Canada, the trend in Alberta is that Natives are becoming more assertive and insistent in their demands for "self-government". This applies very much so to the Blood Tribe. As stated for a number of years, the Blood Tribe wishes to take back the management of their own affairs from the Department of Indian Affairs and Northern Development. The term used most frequently is self-government. They are demanding the right to make their own decisions and are challenging the white man's interpretation of the treaties signed by their ancestors and representatives of the Queen. They demand a voice in defining the rights and obligations that flow from those treaties. In short, the Natives insist on equal representation with equal standing and voice in any decisions which affect them as "First Nations". Not the least of these areas is policing with all of its ramifications in the Criminal Justice System as it impacts upon them today.

The challenge today, more than ever, is for these First Nations to be able to sit down with representatives of the Federal and Provincial Governments and arrive at a consensus of what these documents mean today. The Federal Government has certain obligations, express and/or implied. The reserve land base is within the provincial geographical boundary where the resulting solutions must be implemented; so the Provincial Government must be involved in any discussions. This is particularly so in the question of policing which falls within the area of "administration of justice".

In the past, when Native concerns have arisen, the Federal Government has set up a Task Force or an Inquiry under the *Public Inquiries Act* to examine the issue. In the present instance, this Inquiry was instituted to canvass wide ranging and innovative solutions after first having identified the problems, without binding the Government to any identified or recommended courses of action.

The question of the Status Indian and his place in Canada has been subjected to numerous such investigations. Each of these made their own recommendations from which certain policy evolved or, in most cases, did not evolve. It has come to the point where the Indian is loudly protesting that he has been studied to death and surely it must be time to sit down with him and frankly and fairly negotiate the solutions to the identified problems.

The "White Paper" of the Federal Government in 1969 proposed that the special status of the status Indian would be abolished. This brought about an unprecedented unified opposition by the First Nations of Canada who viewed this as an attempt at assimilation. The Federal Government was forced to abandon the White Paper.

As the result of a parliamentary task force (The "Kelly Report") in 1973, certain recommendations were voiced and presented to the Province of Alberta. These included that policing services be delivered to Indian reserves in a manner which would address the concerns of these reserves. Some of the reserves were very remote. This caused unacceptably long response times to complaints. The reservations were left to resolve their emergencies for themselves. The result was that several Bands employed their own residents as tribal police and as special constables. Bylaw enforcement on the reserve was not done by the Royal Canadian Mounted Police as it was then done by the tribe's special constables. These special constables also enforced some of the provincial statutes but these have been frequently held to be beyond their jurisdiction. In any event, there developed a system of law enforcement which came very close to dual policing but which seemed to work, particularly in remote areas.

The reserves were plagued with problems arising from alcohol abuse. They had a high unemployment rate which aggravated many of the problems facing Indians on the reserve. There was a continuous funding problem because of the disparity of wealth between reserves. The province took the initiative to deliver a police service which was meant to meet the concerns of the Indian.

The "Kelly Report" recommended a number of options for delivering police services to the reserves. The options considered by the Royal Canadian Mounted Police and the Alberta Solicitor General to have the greatest potential included:

i) Native Special Constables of the Royal Canadian Mounted Police who would spend most of their time on the reserve and hopefully bridge the gap between the Provincial Police Force which, by Federal/Provincial contract in Alberta is the Royal Canadian Mounted Police, and the reserve residents. It was hoped that this would resolve the communication and crime prevention gap.

ii) The cooperative delivery of police services by having the Royal Canadian Mounted Police and the Native Tribal Police Officers working side by side.

iii) A fully accredited autonomous tribal police force.

The Solicitor General of the day opted for implementation of the Native Special Constable as a member of the Royal Canadian Mounted Police. Native Special Constables would be recruited from the Indian reserves. They would receive modified training at the Royal Canadian Mounted Police Training Academy. Then, as Special Constables of the Royal Canadian Mounted Police they would be assigned to the detachments with special responsibility for policing Indian reserves.

Most of the reserves opted for, or agreed to, this category of Native police officer as the answer to their concerns about the policing service that was being delivered to them. It is noted that the Indian Association of Alberta, although expressing some approval for this option, disclaimed it vigorously on the grounds that it was never implemented in accordance with the recommendations of the Kelly Report. It is of great interest in this Inquiry that the Chief and Council of the Blood Tribe immediately refused to accept this option from the time it was recommended. They have steadfastly rejected this option to this day. They have time and time again demanded their own fully accredited police force, and have requested that the funds spent on Native Special Constables be expended upon their own Blood Tribe Police Force instead.

In 1975, a Federal/Provincial Ministerial Conference on Native People and the Justice System was held in Edmonton. It is apparent from the provincial responses to the 1975 Conference that the provinces did not wish to assume any additional financial obligations for Native policing. It appeared that the intent of policing by the Provincial Government was, in its most simple terms, to provide policing services to the Native communities consistent with the theme of addressing community needs and cultural values. Funding remains a matter of contention and negotiation between all three levels of Government.

It is clear that the First Nations generally will not deal with the Provincial Government unless it is as a last resource for funding, and then only with the caveat that any arrangements arrived at do not in any way whatsoever abrogate the rights which flow from their Treaties and from their aboriginal rights.

Caught between these political and bureaucratic objectives, if not dilemmas, is the Royal Canadian Mounted Police. This is the vehicle by which the policing services are delivered in all provinces but Quebec and Ontario. Although it is a federal police force it became, of necessity during the great Depression, the provincial police force through contractual arrangements entered into between the federal and the provincial authorities. Simply stated, the province pays for what it believes to be adequate policing. The Commissioner of the Royal Canadian Mounted Police, through his Provincial Commanding Officer (ie. the Commanding Officer - 'K' Division) delivers the policing service as he decrees. The Solicitor General of the province is the Chief Law Enforcement Officer for the province, but the Commanding Officer of the "contract provincial police force" has a higher authority to account to, namely the Royal Canadian Mounted Police Commissioner in Ottawa.

Keeping all the foregoing in mind, it is well to scrutinize all the participants in the delivery of policing services to the Blood Tribe in closer detail. Perhaps in this manner some resolutions may be formulated. What follows is a review from the respective participants of their perception of the issues and potential resolutions.

4.3 BLOOD TRIBE

The Blood Tribe has always insisted upon its right to policing by its own police force, operating at a standard set by its own cultural requirements. Since the amendments to the *Indian Act* in 1967 which relaxed the stringent controls on the movement of the Indian people on and off the reserve, this insistence was more clearly expressed. It became the first expression of the Blood Tribe's desire to take back control of its institutions which has been denied almost from the time of Treaty 7 signed in 1877. It has grown over the past 20-25 years to a demand for "sovereignty" over all aspects of its culture and life. The question of what the Indian views as sovereignty is a matter of definition to be negotiated by the Federal, Provincial and Indian Governments.

4.3.1 TESTIMONY OF CHIEF AND COUNCIL

The Inquiry heard evidence from Chief Roy Fox, several of the current leading members of the Blood Tribe Council and others who were responsible for some of the Blood Tribe standing committees and societies.

When the traditional chief's health failed him he prevailed upon Roy Fox, who had been a member of Council since 1974, to run for the position of Chief in the Fall elections of 1980. That particular election was a difficult one, coming in the aftermath of the Cardston Blockade. Many of the participants and their active supporters were elected to council. Roy Fox became the elected chief. Some difficulty occurred and the election had to be held again. Roy Fox and the new Council were confirmed elected.

Chief Fox had worked as a guidance officer at Drumheller Penitentiary before becoming an employee relations officer with the newly established Kainai Social Development Services on the Blood Reserve. This brought him into contact with the police and with the criminal justice system. Perhaps more importantly, it brought him into contact with two of his school friends, Wilton Good Striker, a native court worker and Eugene Creighton, a probation officer. These three persons became a competent and innovative team.

Self-policing had, by the 1970's, become a fact in some of the reserves in Eastern Canada. The Dakota-Ojibway Tribal Constables probject had been started in Manitoba. These outward manifestations of independence appealed to certain members of the Blood Tribe. It was soon obvious to them "that alcohol, the abuse or misuse or over use of alcohol was one of the main reasons why the Indian people would get into trouble with the law either directly or indirectly". They also found that the Indian usually pled guilty, rather than questioning the charges. Chief Fox, Wilton Good Striker and Eugene Creighton developed programs to try and deal with the underlying causes of court appearances. They also tried to educate the tribal members as to their rights when appearing before court.

Chief Fox explained the role of Chief and Council as being responsible for providing services and programs for the people. They are there to ensure that adequate funding is available to carry out such programs. Chief and Council administer and manage some programs for the Department of Indian Affairs and Northern Development. Some programs have evolved through Council initiatives.

There are many committees now on the Blood Reserve such as Housing, Public Works and Protection Services. A number of committees have, over time, attained Board or Society designation with semi-autonomous status. The work of Chief and Council has become very complex. Chief and Council are responsible for overseeing the preparation and the administering of the annual tribal budgets. Sources of funds are traditionally from:

a) Oil and gas royalties;
b) Agriculture and the agricultural leases;
c) The Federal Government (funds are negotiated annually).

The Chief outlined some of the economic disadvantages the reserve must deal with:

1) They are unable to finance and build more than 42 houses per year. This creates a problem when there is a back log of 700 housing units. Many of the existing homes are occupied by several families. The result of such a back log is that many reserve residents are forced to seek shelter in neighboring communities.

2) The rate of unemployment on the reserve may be as high as 85%. On the reserve Chief and Council are the major employers. It is extremely difficult to manage programs in this socio-economic atmosphere. The high rate of unemployment is reflected in recent statistics of January 26, 1990, where 2,477 residents of the Blood Reserve were on welfare. To have at least 35% of the residents of the reserve on welfare is an impossible burden to cope with. This does not include the non-resident Blood Tribe members who live in the neighboring communities. The Blood Tribe off-reserve residents, who are in receipt of welfare, are apparently a source of ongoing

> discussion between the Federal and Provincial Governments as to who is financially responsible for these payments.

The Chief stressed that the youth of the tribe are encouraged to further their education. This is borne out by some of the Elders who have a remarkable insight into today's realities. They have come to grips with the evolutionary process of culture changes which is necessitated by progress and they have done so without sacrificing their cultural roots and heritage.

The Blood Tribe has an ever increasing number of university educated professionals. It has many highly skilled trades people. It is rapidly emerging from the nomadic self-reliant culture of 100 years ago. This has been occurring more rapidly during the last 25 years. It is becoming more impatient with obstacles which prevent it from achieving self-reliance, self-sufficiency and in the true sense, responsibility for its own decision-making.

The Chief referred to a massive irrigation project which is in the late planning stages. This project will provide an estimated 1,000 person years of employment during its construction stages. It will provide 75 permanent positions of employment when concluded. This project will greatly increase the Blood Tribe land's productivity.

This type of initiative is of paramount importance because one of the greatest social problems to be dealt with on the reserve is the unemployment. Massive unemployment has hampered good initiatives by creating a sense of hopelessness in some of the residents. The primary need to create jobs has also affected standards. For example, initiatives such as policing have been affected by reducing standards for potential police officers.

There is an admission that there is an alcohol abuse problem. The Blood Tribe is actively pursuing resolutions to this problem. The fact that there is now a public acceptance that such a problem exists is a giant step to adopting initiatives to cope with the problem.

The Blood Tribe operates the St. Paul Treatment Centre. The Tribe has also taken over the probation services from the Provincial Government. Both of these operations have been in existence for some time and have been staffed primarily by Natives. The education of Blood Tribe children has been taken over by the Blood Tribe. Other programs have been set up and are vigorously supported by Chief and Council. These programs will work well as long as there is continuity in funding and all funding sources are committed to long-term stability.

The Blood Tribe understands that the extended family concept, particularly as held by Chief Fox, in his capacity as Chief, creates a real communication problem for the police, particularly when notifying the next of kin in the aftermath of Sudden Deaths. This is one of the reasons put forward in support of a Blood Tribe Police Force. The Chief uses the Blackfoot word "KIMAPEBITS" which describes a feeling of love and respect for fellow human beings and a greater understanding of the other person. He states this to be an important part of the Blood culture. The Bloods expect every police officer to appreciate this. The white police officer as a rule does not know this, nor has he learned it from his training and experience. The Blood Tribe members, therefore, say they must have their own police force because their members already have this appreciation.

Understanding the language of the Blackfoot Nation is of great assistance in becoming knowledgeable about the Blood culture. There is an appreciation by the Blood Tribe members on the reserve that a police officer has to do his job and enforce the law. It is the manner of enforcing the law that is important in the Blood culture. This aspect of the policing service is important when dealing with a culture that has had some bad experience, perceived or otherwise, with the police.

The Chief specifically states:

> "that the Blood Tribe and its Leaders want to take back some of the jurisdictions, some of the responsibilities, some of the authorities that have been taken away from us....it could mean becoming entirely responsible for various programs....such as education, health, social services to name a few....Policing is a vital area in the process of taking back jurisdiction of the Tribe's affairs in the process of achieving self-government."

This was the impetus behind the pilot project of the first Blood Tribe Police, and is so again in the second project re-establishing the Blood Tribe Police.

Pursuant to the Blood Tribe's by-law which authorizes its own police force, Chief and Council approved the Blood Tribe Police Commission in April 1980, comprised as follows:

a) One Council member;
b) Four representatives from the general public appointed by Chief and Council from a list of applicants;

c) Three non-voting advisory members:
   i) The Director of the Regional Office of the Department of Indian Affairs and Northern Development;
   ii) A Royal Canadian Mounted Police member representing the Commanding Officer, 'K' Division;
   iii) The Director of Law Enforcement, Province of Alberta, or his representative.

The Commissioner believes that the practice of appointing certain family or kin to jobs has been called into question, particularly those selected and appointed as police officers. Chief Fox agreed nepotism is a charge that is made all too often and the practice must be minimized. The selection of a person as police officer is most important. Such a person must be beyond criticism. The law must be enforced without fear or favour to retain the credibility of the police force in the eyes of the public.

Since the mid 1960's the Chief and Council have been elected every two years. This is not conducive to a sense of continuity in Tribal Government. The procedural steps that are vital in making decisions are cumbersome and require lengthy intervals for completion. The Chief and Council cannot make decisions independently. The democratically arrived at decisions of Chief and Council require Ministerial approval in the Department of Indian Affairs and Northern Development before becoming effective. The Minister has 40 days to approve or refuse to validate the Chief and Council decision. This process is not conducive to achieving independence within the framework of self-government.

One of the Treaty obligations required the Indian to "keep the Queen's peace" and "to live in harmony with the rest of the Queen's subjects". The Chief pointed out again that the Natives and the Federal Government have different and quite opposing views or interpretations of what these Treaties mean. The Chief states from his own experience as a court worker, that there was a bias in the way the police and the courts dealt with the Native. Although there were so many alcohol and assault cases directly due to alcohol abuse that a bias may have developed, he refuses to say that it was a racial bias.

Past history indicates that the Native in contact with the law, whether police or the courts, did not really tell his side of the story. This passive attitude is not exhibited by young people of today. Society today is much more open and young people tend to challenge authority more. They question the rules and law in which they (or their people) had no say in creating. They, therefore, do not respect the law or more particularly the police officer charged with upholding the law. The Cardston Blockade was the prime example of this attitude and expressed openly the Blood Tribe's dissatisfaction with the police.

There has been a long-standing veiled conflict between members of the Blood Tribe and members of the community in and around the town of Cardston. This dates back to the time that the Mormon Community first came up from the United States. The Blood Tribe believes that when the Mormons first arrived on their journey northward, they asked leave to stay for a year. This permission was apparently granted by Chief Red Crow. Following this there is the belief that there was a 99 year lease granted the Mormons, which no one has been able to find or produce to date.

This whole situation may have been confused with the re-survey of 1882-83 when 170 square miles were taken away from the land area of the first survey. The first survey gave the reserve land almost to the American border. Another factor adding confusion, is that Indian Agent Denny had apparently deleted many names from the original records. This reduced the area of the Blood Reserve which was based on five Bloods per square mile. This decision appears to have been an arbitrary decision of the Indian Agent, but may not have been challenged at the time.

The Detachment of the Royal Canadian Mounted Police, which is responsible for policing the Blood Reserve, has been there for a long time. All the sub-detachments which had been at Standoff and on the borders of the reserve had in turn been concentrated in the Mormon Community of Cardston. There is a perception by the Indian that the police are really members of the Cardston community and that they side with the Mormon Community against the Blood Tribe. The original relationship of "protector" which had developed between the Royal Canadian Mounted Police and the Indians was perceived as being betrayed by the police. The cooperation between the community, the police, and the Indians was minimal to say the least.

Says Chief Roy Fox:

> "The original perception of the Blood Tribe was that the Royal Canadian Mounted Police were the protectors and were there to assist the Blood Tribe. Their perception was that the Northwest Mounted Police came into existence and were sent west to protect the Indian people from the whisky traders....but now it could be said that the reason for the Northwest Mounted Police being formed was that they could pave the way for the settlement of the west by white settlers".

The neutrality and impartiality of the police is considered suspect by the Indians. This may have been based on fear or apprehension of the police. This resulted from the perceived extreme measures the police resorted to to prevent violence from taking place at the Cardston Blockade.

There is not a warm relationship between the Blood Tribe members and the police, and there most certainly is not a warm relationship between the Blood Tribe members and the Cardston Community. This became most evident when the November 1980 Blood Tribe elections were held. The newly elected Chief and Council were now comprised of the energetic young people who were involved in the blockade. It did not create an atmosphere for congeniality and cooperation.

The first attempt at establishing the Blood Tribe Police Force failed to survive in these conditions. It did not secure the committed long term funding necessary, among other things, to ensure its success. The Royal Canadian Mounted Police allegation that the Chief and Council would not meet and negotiate any problems is answered by the Chief when he states:

> "such a meeting would serve no purpose. That was the general feeling of the Council. The majority membership of Council did not wish to have anything to do with the Royal Canadian Mounted Police."

The evidence indicated that the Blood Tribe was resentful of the Cardston Detachment being located in Cardston and feels it should be located elsewhere if it has any responsibility for policing the reserve.

The Chief was very clear in his perception of the problems which faced the Blood Tribe Police Force pilot project. The primary problem in its initial stages was the negative feelings that surfaced during the Cardston Blockade. Chief and Council changed in the November 1980 election. This dissatisfaction became a major consideration when political decisions were made by the new Council.

This became very apparent when a serving member of the Royal Canadian Mounted Police was selected and hired as Chief Constable by the new and autonomous Police Commission. A debate ensued as to Police Commission independence and Chief and Council's authority as the final arbiter of what was best for the Tribe as a whole. This debate focused the bitterness and kept it in the public domain for an extended period of time. This public debate, coming on the heels of the Cardston Blockade and the Blood boycotting of the Cardston merchants, only deepened the bitterness of the relations between the affected parties. This was stated as the one factor which by itself could have doomed the pilot policing project.

There were other factors such as recruitment procedures and training facilities not being available on short notice for the education of recruits and the ongoing training of the members of the Blood Tribe Police Force. A paramount factor was the suspect support from Chief and Council for facilities, equipment and above all, the failure to guarantee sound secure long-term funding. Collectively, these matters doomed the project to failure. In 1986 the policing reverted, in fact, to the Royal Canadian Mounted Police who had never really relinquished the responsibility for policing the Blood Reserve. It was again the policing service as formally instructed by the Alberta Solicitor General.

The Blood Tribe was persistent, however, and retained a nominal Blood Tribe Police Force. It still objected to the type of law enforcement practised by the Royal Canadian Mounted Police, particularly its "response to complaint" style. It has been actually referred to as "firehall style policing" by the Royal Canadian Mounted Police. This is dictated by cost restraint or efficiency as the guiding criteria.

The Blood Tribe wanted to set the standard of policing as that of "community policing" with a greater accent on community involvement and crime-prevention programs. Such a type of policing is more responsive to the Blood culture. As a result, the Blood leaders have persisted in their demands for their own stand alone Blood Tribe Police Force. In keeping with the apparent provincial policy, the province, through the office of the Director of Law Enforcement has restored the program of self-policing.

Arrangements for training at the Provincial Solicitor General's Training Academy has been guaranteed. The new police project has been in operation for sometime, actually having been started just prior to the commencement of this Inquiry's Public Hearings. Observations on this project will be made later in this report.

The Chief indicated that since this Commission of Inquiry has been authorized, many initiatives have been undertaken. Relations between the Royal Canadian Mounted Police and the Blood Tribe appear to have improved greatly. There is no doubt that the parties are working at the solutions in an open and cooperative atmosphere. This is an important progressive step because both parties are very sensitive to criticism.

The relations with the Lethbridge City Police are more in limbo because of the very unfortunate and tragic death of Chester Heavy Runner, a member of the Blood Tribe, at the hands of a Lethbridge Police Officer. This death is the subject of a Provincial Fatal Inquiry and is not within this Inquiry's Terms of

Reference, other than to observe that there is some problem with the relationship between the Blood Tribe and the Lethbridge City Police. This relationship will be more fully explored later in the report.

The Chief summed up his observations with respect to this Inquiry. He stated that the investigations into the Sudden Deaths had to occur. The families of the deceased had to be made aware of what had happened to their kin. It was an experience that was very painful to those families and it was particularly painful for those who had to testify. This was an aspect of the Inquiry that had not been anticipated by anyone. With respect to the Cardston Blockade, he reiterated that this event was the point at which the dormant resentments and misunderstandings were brought to light for public scrutiny. Without this public review and the resulting move towards easing tensions it would be impossible to arrive at certain resolutions, particularly those respecting the delivery of a police service to the Blood Reserve. The Inquiry has also brought a renewed and continuing interest in other areas of concern. Hopefully, these will be addressed and resolved because of this continuing interest. The air has been cleared as a result of this Inquiry.

The Chief felt that the lines of communication were now open. There was now every prospect of good cooperation, understanding and a general appreciation of each other. The Blood leader is hopeful that progress can be made in choosing the appropriate course of supporting action insofar as policing is concerned. Chief Fox pledged the leadership to work with all levels of Government and any of their institutions to resolve the problems which have been highlighted by this Inquiry and particularly as it refers to the policing of the Blood Reserve.

The Commissioner of this Inquiry believes that Phase III evidence has addressed the interface of Native culture with the Federal and Provincial Governments, particularly in the area of policing, police procedures, level of policing and so forth - that is to say the standards and manner of delivering a policing service to the Blood Tribe.

4.3.2 TESTIMONY OF THE ELDERS

The Bloods share the same reverence or respect for their Elders as do all other tribes of Indians. It was the view of this Commission of Inquiry that a current cross-section of thought and attitudes of the Blood membership should be obtained. In consultation with the Bloods, a representative group of their Elders was heard from. It was generally from these Elders that an explanation of the Blood culture was received, subject to their religious and society restrictions of confidentiality and secrecy.

The Elders pass on the culture of the tribe to the younger members. This, because of a lack of written history, is by word of mouth. It is clear from these Elders that the history of their Nation is a proud one. It is also clear that it does not fit the written history of Canadian school text books. What follows is a summation of evidence received from the Blood Tribe Elders regarding their culture and its relationship to the dominant society.

The confinement of the Blood Tribe members to the reserve was a cultural shock to these independent nomadic people who had become self-reliant, living in harmony on the land that they moved about in so freely. The mandatory conversion from hunter to farmer and rancher was not well received. The residential school system operated by the Christian Churches removed the children from their families, thus breaking up those vital units and almost destroying the clan system and its extension, the societies. What this did, with devastating effect, was to minimize and even destroy the parenting skills of a culture in which the family was the basic unit. It removed the children from the nurturing family, eroded their language skills, their spirituality and their reliance upon each other.

It was an attempt to integrate the Native into the ever-growing predominant white society. Some of the Indian Agents became an instrument in fostering this policy of integration. Although disease decimated the Native population in the late 1800's, the Bloods resisted with determination any attempts at integration.

Very prominent in the life of the reservation is the devastating effect of alcohol upon the Indians. There was no stopping this unscrupulous method of exploiting the Indians until the arrival of the Northwest Mounted Police. History accurately records that it was the just and honest treatment afforded the Indians by Col. Macleod, that brought about the special trust relationship which appeared to exist between Indian and policeman in the latter part of the 19th century and the early part of the 20th century. There were incidents which strained this relationship of trust and respect, but by and large it persisted. The "Red Coat" was the "protector", and the Treaty, in the perception and belief of the Indian, guaranteed this role.

With the introduction of welfare the independence and self-respect of the Indian was further eroded. This was aggravated by the alcohol abuse so prevalent on the reservation. Professor Alan Grant's assessment on Native self-esteem from his report of the Osnaburgh-Windigo Tribal Council Justice Review Committee (July 31, 1990) is relevant when he states, as follows:

> "It is the culture of poverty, powerlessness and anomie that results in a lowering of self-esteem,

> manifested in anger, withdrawal and lack of positive action."

The solution, as proposed by the Elders, is to return to their spiritual and cultural values so that they could realistically survive in the world of today. These values were considered valid in their history and are certainly valid today. They have no doubt that they can survive and operate in today's society once they have re-established their self-respect or self-esteem through the restoration of their culture to the position of dominance it once held in their lives.

4.3.3 TESTIMONY OF NATIVE YOUTH

The representative youth of the Blood Tribe who testified at this Inquiry believes they are now emerging from under the burden of adjustments the Bloods had been required to make since the Treaty of 1877 and its supplemental Treaty of 1883. They expressed a general trend to once again listen to the Elders. They are seeking and achieving educational standards both academically and in the trades. These are the people who will lead the Bloods in the near future.

These tribe members, together with the farmers, ranchers, the present leaders and the professionals, form the bulk of the Bloods. There is, however, still a portion of the Blood membership that is bogged down in the hopelessness of unemployment, lack of skills and wanton alcohol abuse. There is a growing recognition of the severe socio-economic problems by the Blood leadership. Peer pressure is beginning to be applied to combat these problems. An example is that it is no longer acceptable to be seen under the influence of alcohol. Respect is a major factor in the Blood culture. Pride and self-respect is being instilled in the individual.

The youth of the Tribe speak of great expectations and have every prospect of achieving their goals.

4.4 ROYAL CANADIAN MOUNTED POLICE/ GOVERNMENT OF CANADA

The historical perception of the Royal Canadian Mounted Police is set forth by S. W. Horral in his history filed at this Inquiry. The statement of Assistant Commissioner R. Head summarized this, when he stated that "the fact that the Royal Canadian Mounted Police were on hand at the Treaty signing times adds additional significance on Indian reserves where the Elders in particular hold our force as a link between the Indians and the Federal Government". It is, therefore, understandable that the Indian perception of "protector" received such a rude jolt at the Cardston Blockade.

The Royal Canadian Mounted Police has been directly involved in delivering policing services to the Indian Communities. This is particularly true since the settlement of the west, which followed the Northwest Mounted Police resolution of the whisky trade problem and the Riel Rebellion.

4.4.1 COMMISSION ASSESSMENT OF ASSISTANT COMMISSIONER ROBERT HEAD'S STUDY ON ABORIGINAL POLICING

Robert Head is the Assistant Commissioner of the Royal Canadian Mounted Police heading the section responsible for the Policing of Aboriginal Canadians. He has researched and prepared a very useful report for his Commissioner.

In his report, Head points out that the *Constitution Act* of 1982 (formerly the *British North America Act*) make the provinces responsible for the Administration of Justice in the province, though the Royal Canadian Mounted Police policed the reserves.

A summary from Head's report on the history of such policing is as follows:

a) Prior to the 1950's the Royal Canadian Mounted Police provided policing services to all Indians on reserves, including those in Ontario, Quebec and the Northwest Territories;

b) During the 1960's the Band Councils started to manage their own affairs. This led to them wanting, if not actually insisting upon, their right to have some input into the types of policing service that they were receiving. The Royal Canadian Mounted

Police was under pressure to deliver a service more sensitive and understanding of the Indian community's needs. The Royal Canadian Mounted Police instead became more selective as to what it would or would not enforce with respect to the Chief and Council by-laws. As a result, the Councils began to recruit their own constables. The police and Federal Government envisioned the Native Police Constable as enforcing these "civil by-laws" of the Chief and Council. They were to augment the provincial police force, but they were not to supplant it. This resulted in payment through a program published as "Circular 34". Upon refinement this became "Circular 55", a program which exists to this day for Federal funding of such Tribal Police Officers.

c) The 1960's saw the Ontario Provincial Police offer its training facilities for the training of Native Police Officers. The Quebec Government let the Mohawks at Kahnewake set up the Kahnewake Peacekeepers.

d) The Hale Task Force Report in the 1970's confirmed administration of justice on the reserves being the responsibility of the Provincial Government as it pertains to *Criminal Code* offences. The enforcement of the other Federal Statutes still remained the responsibility of the Royal Canadian Mounted Police. In Alberta, after the Justice Minister's Conference in 1975, the province attempted to tailor the delivery of the police service to meet the desires of the Indian people on reservations.

At the same time, the Royal Canadian Mounted Police withdrew from the reserves in Ontario and Quebec, even abdicating its responsibility for "Federal Statutes". These were to be enforced by the Ontario Provincial Police or the Sureté dû Québec, as the provincial police of those provinces. The Indian reserves at Kahnewake south of Montreal and Akwesasne south of Drummondville were to be policed by their peacekeepers.

The Royal Canadian Mounted Police had been policing most reserves and all of the Western Canadian reserves either by implication under the *Indian Act*, or by apparent obligation under the Treaties. This responsibility became an extension of its provincial contract obligations in the jurisdictions where policing contracts had been entered into with the Federal Government. By virtue of this contract, the Royal Canadian Mounted Police became the provincial police for that particular province. More will be stated later in this Inquiry report about this concept.

e) The Kelly Report of 1973 recommended, among others, three main options for delivering police services to the reserves:

i) The Native Special Constable program which became known as the "3B Option Program";
ii) The cooperative delivery of police services by having the Royal Canadian Mounted Police and the Native Tribal Police Officers working side by side;
iii) An autonomous accredited tribal police force.

The Option 3B program was almost universally adopted. It was a funded program shared by the Federal and Provincial Governments. These officers received a limited version of the training received by a regular member of the Royal Canadian Mounted Police. The Native officer was to be recruited, trained and employed by the Royal Canadian Mounted Police. This officer's job description was to provide police protection, law enforcement, crime-prevention and community relations on reserves. This option was selected by the Alberta Solicitor General of the time as the appropriate vehicle for delivering policing services to the reserves.

The Indian Association of Alberta, while agreeing that it was a good concept, objected to the program. The objection was mainly on how the concept was implemented and on the additional ground that it failed to bridge the cultural gap as the Task Force had designed it to do. The Native Special

Constable member became a Royal Canadian Mounted Police officer with limited status rather than a full member, or as the Indian said, "a real policeman". The Blood Tribe from the outset stated it was an unacceptable resolution to policing and insisted upon its own tribal police force. It further demanded that the funding, being expended upon the four 3B Special Constable positions assigned them, be diverted to pay for the Blood Tribe Police.

f) The 1980's saw the Ontario Provincial Police establish its own Native Special Constables under a tri-partite agreement. An Indian Police Commission was established. In Alberta, the Louis Bull Band, one of four bands on the Hobbema Reserve south of Edmonton, hired its own police force which received stand alone status from the Director of Law Enforcement. It did this over the objections of the other three bands occupying the reserve. The Band was able to do so because of the wealth accumulated from oil revenues which enabled it to go it alone financially. The funding responsibility of this particular policing agreement is in the review process. Oil revenues do not last forever.

In Eastern Canada and the Territories, the Indian Tribal Constables received their authority from the Commissioner of the Royal Canadian Mounted Police under the *RCMP Act*. These special constables now receive their authority from the Commissioner of the Ontario Provincial Police and the province simultaneously. In Western Canada, it was deemed appropriate by the Commissioner of the Royal Canadian Mounted Police of the day, that the province should provide the Peace Officer authority. The provisions of Section 7 of the *RCMP Act* were never resorted to. It is clear that different criteria and standards were being employed in different parts of Canada.

Assistant Commissioner Head points out in his report that the trust relationship between the Indians in Eastern Canada and the Royal Canadian Mounted Police was noteworthy and positive whereas in Western Canada it was shallow and non-existent. He reiterates that the justification for the Royal Canadian Mounted Police being the prime policing body for the reservations was the implied obligation flowing from the *Indian Act*.

The net result in the Assistant Commissioner's conclusion is that the Federal Government has the responsibility for enforcing federal statutes, including the *Indian Act* and Band Council by-laws, with the exception of the

Criminal Code. Where the Royal Canadian Mounted Police becomes the provincial police force, it becomes responsible for enforcement of laws on the reserve.

Assistant Commissioner Head states that there is a lack of understanding by the officers who are posted to areas where the Indians are the recipients of the policing service. Those officers with any knowledge of Natives have accumulated this experience by virtue of local contact only. He quotes Curt Taylor Griffiths of Simon Fraser University when he reports, "This lack of understanding has led to some considerable frustration within our (RCMP) ranks as it pertains to the delivery of service and also in our efforts to recruit candidates for the force, not to mention the effects on the Native people."

Assistant Commissioner Head classifies the Natives as follows:

a) The industrially-oriented Native who is living more or less as a non-Indian in a wage-oriented setting;

b) The subsistence-oriented Native who lives off the land as his father did;

c) The smaller groups living in between these first two classifications.

Assistant Commissioner Head calls the two general categories the "Industrial Group" and the "Subsistence Group". The only common denominator is that both groups are Native. There is such a divergence in these categories that there will apparently never be a joining of these groups. Head uses this to explain the Indian who becomes highly educated and successful, but who, when he returns to the reserve, retreats to the level of the subsistence group in order to be accepted. This will persist until such time as there are enough of them to form their own society or socio-economic group. Head points out that the challenge for policy makers and programmers is to accept the fact that most strategies, programs and services directed to Indian people are appropriate only for the "Industrial Group" of individuals. As a result of their degree of acculturalism, most are attracted to socio-economic goals which can only be achieved through greater involvement in modern society and its structured institutions.

The second group appears to attach little significance to being jailed. A criminal record holds very little meaning to them. These people live for today. The non-Native system of Justice, complete with its courts and goals, is foreign to their historical dispute settlement mechanisms.

Head quotes Roger Carter, Q.C., a Saskatchewan University of Law Professor from his editorial dated December 15, 1988 when referring to the history of the Indian as taught in school:

> "....nothing was ever said about the history, traditions and cultures of the Indian Nations and Tribes which, not too long ago owned and occupied the entire land mass of present day Canada....".

The Commissioner of this Inquiry believes this is a good point. This Inquiry has heard that ownership of land is foreign to the Indian culture. The concept of occupying the land, however, is a concept that is understood.

Head suggests in his report that the men of the Tribe who remained generally uneducated, dropped into a welter of self-despair and experienced feelings of unworthiness and low self-esteem. The women of the Tribe became more receptive to education and prepared for modern times, thus becoming more dominant. For the most part, Canada's aboriginal people are a population in transition. Most of the leaders are goal oriented. A few are struggling for an identity in the modern world.

There has been, and still is, a great number of aboriginal societies receiving funding from the Federal Government and elsewhere in order to enable them to pursue their constitutional actions. This abundance of Native groups has created a great deal of confusion as to who speaks for whom on various issues. The most dominant one still in existence is the "Assembly of First Nations". The original name of this Assembly was the "Native Indian Brotherhood". Disagreements arose between the Prairie Chiefs and the Assembly of First Nations over the years and the Prairie Chiefs have chosen to speak separately on most issues through the "Prairie Treaty Nation's Alliance".

In Alberta, we have the Indian Association of Alberta which has some difficulty speaking for all Indians because of differing treaties and geographical locations. There are issues where there is no unanimity. There are widely differing opinions on issues such as self-government. There may be, by some groups, an acceptance of the municipal style of government. They would have power to make laws such as dealing with traffic regulations, animals running at large or fire regulations based on authority granted from or passed on from "higher" levels of government. This is not a widely accepted alternative because treaty and aboriginal rights are felt to be abrogated by such designation.

Many, if not most, of the Indian Tribes believe they are entitled to true "sovereignty" in their government with respect to their land bases. They believe that their powers should be absolute. They feel they should be able to regulate access to their land and pass laws on all matters including criminal laws, courts, social services and institutions, police and immigration. Other groups are somewhere in between these two viewpoints.

It appears that the Federal Government tacitly approves Indian Nationhood in the Indian's quest for self-government. The Indians recognize that self-policing, in some form, is the first outward expression of independence and control over their own affairs. The Federal Government is not certain how this form of self-expression through self-policing should occur. The Indian Tribes are also not unanimous as to what form such self-policing should take. It varies from the Royal Canadian Mounted Police being the sole delivery vehicle of police services to a completely autonomous fully accredited police force of Indian people. The Royal Canadian Mounted Police is again caught somewhere in between. Assistant Commissioner Head, in his report to his Commissioner, has stated that:

> "Policing will be an important institution that is properly structured and expertly trained in order to provide protective services to the Native people".

It appears accepted by the Royal Canadian Mounted Police that the 3B Option Program of Native Special Constables has developed in an inconsistent fashion across Canada. This is due perhaps to the autonomy of the individual provincial divisions of the force. It is also inconsistent between the individual detachments depending on the local discretion exercised by the various detachment commanders. The Head Report provides a long list of reasons as to why the 3B Option Native Special Constable Program may have failed. He makes many suggestions for improving the situation.

Aside from re-training and rank elevation, which the Royal Canadian Mounted Police is already actively pursuing, other goals involve adopting a variety of delivery systems. This ranges from store front operations to work stations to patrol cabins to satellites. As far as Alberta is concerned generally, and the Blood Reserve in particular, these alternatives have not really been implemented. In one instance in a very isolated area a satellite operation has been tried.

The Blood leaders have never been reconciled to the removal of the sub-detachments from the reserve and from its borders. The decision to place the detachment at Cardston has never been accepted. The Indians perceive that the Royal Canadian Mounted Police is basically the white man's (in the Mormon Cardston sense) police instead of the Red Coat protector of their people. There is no longer an association with the police as their police as they have traditionally seen them. The Natives wanted the police to be on the reserve and visible to the reserve population. The initiatives of self-policing were, therefore, pursued by the Native who perceives it to be the only answer to his policing problems.

The Native compromise to their own diversity has been to suggest, or even insist, that there be both Tribal Police and Royal Canadian Mounted Police working side by side on the reservation. This seems to be resisted by the Royal Canadian Mounted Police. The evidence of a former Commanding Officer of 'K' Division, Assistant Commissioner Peter Wright (retired) indicates that these concepts were discussed with the Bloods in the 1970's and were supported by the Honourable Roy Farran, the Alberta Solicitor General of the day. For one reason or another the compromise concepts were never introduced. The suggestion of sub-detachments on the reservation were discussed at Royal Canadian Mounted Police divisional levels with the Provincial Solicitor General and the Blood leadership during the 1980's but again implementation failed to occur.

The concept of dual policing and the fear that it would confuse the Tribe membership as to who had the policing responsibility certainly contributed to the lack of progress in this area. The major obstacle to any change in the style of policing was the cost factor. The 1980's was a time of recession. Funding became a serious if not the primary consideration in any initiatives that could have been agreed upon by the parties.

During this time, it became very apparent that the Royal Canadian Mounted Police was the provincial police by virtue of the policing contract entered into between the federal and provincial authorities. Sole responsibility for the delivery of the police services remained with the Divisional Commanding Officer, who was responsible to his Commissioner in Ottawa at all times. The Chief Law Officer of the province, the Solicitor General, who should have been the person of final responsibility for the provincial police force really had very little input into how the police service was delivered. The police funding made available by the province eventually dictated the most cost efficient method of policing, namely the "response to complaint" system.

The first programs which suffered from the fiscal crunch in the province were community policing programs in the aspects of crime-prevention and community relations and education, thus driving the Royal Canadian Mounted Police and the Blood Indian's culturally oriented beliefs farther apart. The tighter the money became, the wider the gap between the service delivered by the Royal Canadian Mounted Police and what the recipient expected and demanded to receive. The concept of dual policing, therefore, got short shrift because it was not a money saver, but rather it was a very expensive delivery system for policing.

Superintendent Chris Braiden of the Edmonton Police Service wrote an article in 1988 from which Assistant Commissioner Head quotes as follows:

> "History shows that the typical police mind is predominantly only process oriented, ultra conservative and pre-occupied with control rather than creation; control of the actions of the police officers rather than finding and creating solutions to community problems. Centralized command likes one thing of a type, not many, and so as a consequence, we go out of our way to hire the brightest people we can find and then proceed to teach them to follow orders."

Head further quotes, from Curt Taylor Griffiths:

> "Older, more experienced officers who take the initiative to become involved in social and sports activities in the communities have more positive relationships with Native residents. These same officers complain, however, that they are evaluated by performance criteria which emphasizes crime control activities..."

This does not encourage communication initiatives between the police and the Indian. It happens in exceptional cases but all too rarely. Understanding is fostered by good communication. A re-evaluation of skills in this field may be warranted. Communication is, simply stated, the ability to talk and the ability to listen. The balance between these two facets determines how good the communication is. Assistant Commissioner Head observed that:

> "unfortunately the police have taken this to mean that the police do all the talking and the Natives do all the listening."

The Commissioner of this Inquiry believes the time has come when all parties, namely the three levels of government and the police and the Natives must reach a mutual understanding of what is needed and how it is to be delivered to them.

Head makes the following statement in his report:

> "we leave the impression that we will give them the sort of policing that we decide is good for them without any input or opportunity to participate in the

> program....when we disagree with their position we must do so in a manner that shows respect for their position....The old adage that 'we know what is better for you than you know yourself' is long past acceptance by this group of Canadians who have a different and distinct place in our society and who have recently come to the realization that both the law and the political will is on their side."

The Royal Canadian Mounted Police has apparently not listened to the Indian. That has left the Indian with the profound perception that it is useless to communicate with the police because no one listens. The Haisla Peacekeeping Commission and the local Detachment Commander at Kitimat, British Columbia certainly show what can be achieved on the local level when all parties have an equal say in resolving an identified problem. This Commission believes that the local police have listened to the Natives and are delivering a police service which meets the population's expectations.

The Royal Canadian Mounted Police has failed to appreciate the broad democratic base of Indian Government. In most instances the leaders are not really authorized to commit the Tribe, until they go back to the Tribe's membership and obtain their approval. After a consensus is arrived at, the leaders come back with a decision. This is time consuming, but it must be built into any agenda in which the Indian is involved.

4.4.2 TESTIMONY OF ASSISTANT COMMISSIONER JOSEPH LAGASSE

Assistant Commissioner Joseph LaGasse testified to the new proactive recruiting measures which are being instituted by the Royal Canadian Mounted Police to increase its Native membership. These initiatives are in response to the recommendations of Assistant Commissioner Robert Head to the Commissioner of the Royal Canadian Mounted Police. Head specifically suggested that the Ontario Provincial Police's procedures be adopted, which allows the community to put forward their best applicants for their police service. It provides them with a feeling of ownership. It is noted that Assistant Commissioner LaGasse is now responsible as Director of Training for the Royal Canadian Mounted Police and has told this Inquiry that he is committed to carrying out the changes already implemented and those planned to be put into effect.

It is also noted that the Royal Canadian Mounted Police has seconded a Non-Commissioned Officer to the First Nations and Contract Policing Branch of the Ontario Provincial Police. The Commissioner of this Inquiry is hopeful that these excellent initiatives will continue.

4.4.3 TESTIMONY OF ASSISTANT COMMISSIONER GEORGE McCULLY

Assistant Commissioner George McCully, the Director of Training for the Royal Canadian Mounted Police, informed this Inquiry of the training responses to the needs highlighted by Head's report. The main thrust of this is to retrain all Special Constables in the Royal Canadian Mounted Police including the Native Special Constables. These members then become regular members of the force and enter the promotion stream. They no longer have the stigma of being labelled inferior police officers.

In his testimony, McCully referred to Head's report as follows:

> "within the force, prejudice is occasionally manifested during police violator control, but more often than not it is a latent, yet subtle characteristic that occasionally surfaces during discussion or social encounter. Biased attitudes stand in the way of policing policies. Only when aboriginal people and police agencies see each other as individuals and not as adversaries, can proper dialogue ensue as to the kind of policing service the community expects to be delivered."

This is, of course, one of the purposes expressed or implied of this Inquiry.

4.4.4 COMMISSION ASSESSMENT OF FEDERAL GOVERNMENT NATIVE POLICING

There are 189 positions in Canada for the 3B Option Special Native Constables of which 46 are in Alberta. By allocation from 'K' Division, Cardston Detachment has four of these positions. As previously stated, these positions are jointly funded by the Federal Treasury Board (through the Department of Indian Affairs and Northern Development) and the province. This shared funding does not form part of the Federal/Provincial contract for policing services delivered to the province.

The Federal Treasury Board froze the financing of policing programs throughout Canada in 1983. This continues to be the situation to date. The funding available allowed for only 167 positions to be filled. In fact, because of recruiting difficulties only 156 positions were actually filled. Although four positions are allocated to the Cardston Detachment only one position is filled leaving three positions vacant. Treasury Board has apparently agreed that sufficient funding will be made available for fiscal year 1990/91 to recruit the full complement of 189 positions. This Commissioner has little expectation that the funds will be made available as suggested by the Federal Government, at least for this fiscal year, or that sufficient Native recruits will surface.

The Royal Canadian Mounted Police goal of recruiting more members of Native extraction into its force will be most difficult to achieve. It is not apt to be fulfilled in light of the Indian's aspirations, as exemplified by the Bloods among many other tribes, of having their own police force. The larger bands or tribes based on the larger land bases will resist this initiative by the Royal Canadian Mounted Police. This new initiative will be most useful for the smaller and the more remote groupings or settlements of Indians.

The Department of Indian Affairs and Northern Development's January, 1990 Task Force Report shows that the 3B Special Constable in the Royal Canadian Mounted Police costs $47,750.00 per annum. This is funded 46% from the Federal Government through the Treasury Board and 54% by the province. At the same time, the Ontario Provincial Police Special Constable costs $64,649.00 which is shared 52% by the Federal Government and 48% by the province.

There is a parity of salary, pension and benefits with the Ontario Provincial Police built into the Six Nations stand alone police force. This can only assist in providing a desirable career opportunity for that Indian population. The Commissioner feels that this should be kept in mind when setting up this and other stand alone police forces on other reserves.

Other programs across Canada where police services are being delivered to the Natives presently fall somewhere in between 0%-100% in terms of funding by the Federal Government. The Kahnewake Peacekeepers (who have no Federal or Quebec Provincial peace officer authority) receive 100% Federal funding; whereas the Louis Bull Police Force on the Hobbema Reserve in Alberta pay 100% of their own police force with the exception of a 2% provincial contribution based on population. The province pays all accredited police forces in Alberta municipalities a per capita grant. The Blood Tribe Police on the Blood Reserve received 35% of its funding from the Federal Government. These funds were due the Tribe under the Federal Government's Circular 55.

The Department of Indian Affairs and Northern Development's policy as set out in their most recent study, the January 1990 Task Force Report, stated that the Department has no wish to impose upon the bands a policing system for which they have no desire. All that is involved with respect to the employment of band constables is an offer of support. If Band Councils choose to find some other means to finance the employment of band constables, such as the exclusive use of band funds, or the raising of funds through local assessment of taxes, then that is their privilege. Band Councils may wish to employ more constables or pay higher salaries and assume other costs than are provided for by Circular 55. If they do so, the Federal Government states the additional funds required must be found outside the present framework of funding for a band constable program.

This Commission of Inquiry concludes from that Task Force Report that the policy of the Department of Indian Affairs and Northern Development with respect to policing, if there is indeed a public policy, is that the Royal Canadian Mounted Police as the traditional delivery vehicle of policing services to the reserves will continue to be the main police force. If the reserves wish to have their own service, they must pay for it themselves or from other sources. This virtually ensures that the only service is, in Alberta, the Royal Canadian Mounted Police. This is a situation that the Indian, and particularly as is historically apparent, the Blood Tribe will not accept. This policy applies mainly to Western Canada since the disparities of federal contributions to tribal police or peace keepers is so significantly apparent to the Indians generally, and the Blood Tribe specifically.

The whole program of policing in the federal view can only be described as an enormous financial undertaking. The Federal Government must look at it as a Canada-wide problem. Individual provincial, regional or even separate reserve solutions would doubtless be more satisfactory to it.

There is a suggestion that in 1989 the Department of Indian Affairs and Northern Development was prepared to transfer policing obligations from the federal to the provincial domain. This would not sit well with the provinces and, from what has been heard, would be totally unacceptable to the Indians for a variety of reasons. This will not be elaborated upon here because it brings in the Treaty and the *Indian Act* interpretations, either factual or perceptual, not to mention aboriginal rights. There has, as yet, been no move to negotiate a consensus as to what the treaties mean today.

It is clear that the various aspects of the Justice system have been studied and examined at length. Recommendations have been numerous and repetitious. The main conclusion that Natives are over represented in the correctional system is inescapable. Determining the causes and the solutions for reducing the inmate population have not been too successful. The same observation can be made with respect to policing of the Native. The basic causal problems are usually their lack of education and their lack of employable skills which contributes to very high unemployment rates, a rate as high as 85% on the Blood reserve. Such poverty creates or fosters alcohol abuse and the related crimes that go along with the despair and hopelessness this has generated.

Policing is so very important because the Natives look to the police to resolve their problems. This situation gives much credence to the statement of the present Blood Tribe Police Chief when she states that "the police are the front line social workers." The acceptance of that proposition emphasizes the cultural differences in policing.

4.5 BLOOD TRIBE POLICE I AND II - A COMPARATIVE REVIEW

In April 1980 the Blood Tribe Chief and Council passed the prerequisite by-law to enable them to have their own police force. This by-law, in due course, received the necessary Federal Ministerial approval. It authorized the Blood Tribe to form its own police force and to appoint a Police Commission. This Commission would be responsible for the policy and operation of the Blood Tribe Police and be independent of Chief and Council.

The Chief and Council corresponded with the Solicitor General of Alberta through the Director of Law Enforcement and satisfied him that they met the necessary requirements to have their own police force as follows:

a) The enabling by-law;
b) The Police Commission;
c) The budget for the police force;
d) Equipment for the operation of the force;
e) The organizational structure;
f) Facilities;
g) Level of services;
h) Staffing program;
i) Policing programs;
j) Any other information required by the Solicitor General.

The evidence indicated that Wilton Good Striker was the inspirational and driving force behind the desire of the Blood Tribe for its own independent police force. At that time, he held the position of chairman of the Protection Services Committee. He was familiar with the Kahnewake Peacekeepers and with the Manitoba Dakota-Ojibway Tribal police.

On an examination of the evidence and filed documents the Commissioner of this Inquiry is satisfied that:

a) The by-law authorizing the establishment of their own policing service subject to control of an independent Police Commission was valid and workable and remains so.

b) The Police Commission was established with sound and capable members making up its composition. It is unfortunate that this Committee was so long in becoming a fact. It did not come into being for 10 to 12 months after the project was underway. Therefore, it was not able to participate in the establishing of the Blood Tribe Police Force. The recruiting had already occurred. The six month training and probationary period on the reserve had been successfully completed (certainly by four of the Blood Tribe constables and mostly by the remaining two members). The 13 week training course at the Royal Canadian Mounted Police Depot, Regina had been completed successfully. Two weeks additional training at 'K' Division Headquarters regarding provincial statutes had been done.

The Blood Tribe Police constables did their field training with the rural members of the Cardston Royal Canadian Mounted Police Detachment by co-patrolling with their Royal Canadian Mounted Police trainers. A controversial additional week of training, apparently on "complaint taking by telephone and its corresponding recording requirements" was completed. Phase I and II of the bi-party Letter of Agreement between the Alberta Solicitor General and the Blood Tribe was completed.

Blood Tribe Police officers received their full peace officer authority through the Director of Law Enforcement, Mr. E. Hale, on April 2, 1980. Hale advised the Royal Canadian Mounted Police that he believed the Blood Tribe Police was ready to assume additional duties, as per the division of authority, which formed part of the said Letter of Agreement. He made this decision in the face of three vital aspects of the project of which he was made fully aware, namely:

i) The Police Commission was not, as yet, appointed. It wasn't appointed until late May, 1980 and hadn't met under the chairmanship of its newly elected chairman, Eugene Creighton;
ii) A Chief Constable had not been appointed, particularly since this was the first or next to first responsibility of the Police Commission upon being appointed;
iii) The Royal Canadian Mounted Police training staff interviews, which were conducted every two months, apparently disclosed a lack of

readiness due to the slow development of the Blood Tribe Police officers, with rare exception.

c) The budget and a guarantee of long-term funding resources was not really examined or questioned by the Director of Law Enforcement. The Federal Government was only committed to provide the Circular 55 funds, which it was, and still is, bound to do. The provincial economy of that day was very buoyant, as was that of the Blood Tribe, because of the oil and gas resources. The province took a wait and see attitude, because the only funding it was apparently prepared to commit was some grant money that the Minister had the discretion to contribute. This was start up money and the per capita money all Alberta communities with their own accredited police force would receive. The key word here is accredited and this was never achieved by this pilot project of self-policing.

The Bloods provided, therefore, 65% of the police budget from their own resources. These funds were received by the Police Commission only in competition with the very numerous other programs and projects administered by the Chief and Council. There was no long term financial commitment of funds available for the police project to give it the stability necessary for success. No matter how dedicated and committed the Chief and Council were they could not go it alone as had the Louis Bull Force.

d) The question of equipment really never surfaced as an item of any priority for a stand alone police force. There were some vehicles which were necessary in the operation of a police force. The budget did not address this properly, if at all. There appears to have been no consideration of the necessity of obtaining communication equipment. All communications were via the Protection Service's radio system. There was no possible radio contact between Blood Tribe Police officers and their mentor/trainers, the Royal Canadian Mounted

Police, who at some later date was to become the back up force once the Blood Tribe Police became an accredited force.

e) The organization and reporting charts were not those of professional peace officers. It is all very well to say "here are the models, choose one and get on with it", but it is essential that an experienced and trusted person assist in the preparation of schedules, records, court appearances and so forth. This organization must be able to operate on a 24 hour, seven day a week basis. Such help appears not to have been sought, nor was it ever offered in the practical sense by any professionals in the administration and operation of a policing service. It was brought up as a deficiency but never corrected or assistance given to correct it.

f) The facilities were never examined or approved or recommended as a suitable area from which a police service could operate.

g) The level of service was approved under the general description of the mode of delivery being community policing. Even today this is a catch phrase description, used as though it was something new to white European society and peculiar only to the Indian culture. Crime-prevention was practised by the Northwest Mounted Police whereby its very presence prevented crime from occurring. This is a respect which must be earned, as indeed it was, when you read the statements of the two dominant Chiefs of the Blackfoot Confederation, Crowfoot of the Blackfoot, and Red Crow of the Bloods when they signed Treaty Number 7 in September 1877. There is no doubt that fiscal efficiency and technical advances caused "community policing" to evolve into a "response to complaint" type of law enforcement. At the start of the Blood Tribe Police project this type of police service was not given enough, if indeed it received any, consideration.

h) There was no agreement as to the standard of service that would be accepted by the Director of Law Enforcement on behalf of the Solicitor General, the Minister responsible for the policing of the province which would meet the cultural needs of the Bloods.

i) There was no provision in the Letter of Agreement for staffing the Blood Tribe Police service beyond the six members. The question of civilian staff was not considered. There was no provision for continuous and ongoing specialty training of staff. Particularly, there was no provision for the training of recruits to maintain the "trained" police constable complement of the force. The Royal Canadian Mounted Police asked the Director of Law Enforcement to estimate his requirements for recruit training positions at Depot in Regina, but Mr. Hale was not able to or willing to provide such estimates, thus effectively closing off one area of training for replacement officers.

j) Policing programs such as drug education programs, impaired driving programs and alcohol programs were not considered. These may have been considered premature because of the pilot project designation.

k) Other programs required by the Solicitor General before the force came on stream appear never to have become an issue.

The Blood Tribe Police officers were removed from their field training regime for a one week period by the Chairman of the Protection Services Committee to provide policing on the Blood Reserve for Indian Days, 1980. The Non-Commissioned Officer from 'K' Division's training staff gave the Blood Constables good marks for their performance during this time. His opinions were based on his interviews with the Blood Tribe Police officers during their co-patrol training in the field with their Royal Canadian Mounted Police trainers. The Cardston Blockade immediately followed these Indian Days celebrations. The relationship between the Royal Canadian Mounted Police and the Blood Tribe appeared strained because of this incident. The field training was in abeyance for three or more weeks. The Training Staff of 'K' Division Headquarters were of the opinion that the whole project was in jeopardy. Sergeant Harlow, the Staff Training Non-Commissioned Officer felt that the project should either be terminated or extended for three months to December 10, 1980. The project was extended.

The Director of Law Enforcement, despite all the information to the contrary, felt the Blood Tribe Police Force was viable and could function autonomously pursuant to the jurisdictions it was to enforce as set out in the Letter of Agreement between the province and the Blood Tribe.

Staff Sergeant Lyle Lambert was recruited by the Blood Tribe Police Commission and retired from the Royal Canadian Mounted Police to take over as Chief Constable of the Blood Tribe Police Force as of December 15, 1980. He was catapulted into a situation where his constables were not as yet ready to take on the authority for policing the offences set out in the Letter of Agreement. He met with Assistant Commissioner D. A. Whyte, Commanding Officer of 'K' Division, and clarified his position. Whyte confirmed the understanding they had arrived at in a letter December 12, 1980 setting out the following points of agreement between them:

i) "Responsibility for adequate policing on the Blood Reserve remains with the Cardston Detachment of the Royal Canadian Mounted Police. The Director of Law Enforcement (Mr. E. Hale) has clearly stated that the Royal Canadian Mounted Police remains accountable for this responsibility."

ii) Whyte concedes that many benefits will be derived from the successful development of the Blood Tribe Police. As Commanding Officer 'K' Division, he gives "assurances of the full and continuing cooperation of the Royal Canadian Mounted Police."

iii) Whyte points out that during the development phase, and this is now after the co-training in the field by the Blood Tribe Police officers with their Royal Canadian Mounted Police trainers, that the Blood Tribe Police may, subject to mutual agreement, investigate:
   a) Assaults (but not indecent assaults), including seven other listed *Criminal Code* charges. If death could result from injuries, then the Royal Canadian Mounted Police will assume full responsibility for the investigation.
   b) Breaking and Entering
   c) Thefts
   d) Wilful Damage
   f) Motor Vehicle Accidents.

iv) Assistant Commissioner Whyte then confirms his agreement with Chief Constable Lyle Lambert that the Blood Tribe Police is not yet in a position to carry out its responsibilities set out above, because amongst other reasons, a filing system for continuity of investigation has not been set up and put in place. The letter refers to this as a "paper flow" system for control of cases. Lambert had requested that the implementation of the enforcement be held in abeyance until he had the opportunity of organizing and implementing such a paper flow system. Whyte confirms that the Cardston Detachment has, therefore, been instructed to continue to respond to all matters coming to their attention.

v) The Blood Tribe Police will attend and secure the scene of the crime.

It is unclear if this instruction to the Royal Canadian Mounted Police Cardston Detachment was ever really terminated or clarified. The Royal Canadian Mounted Police was required, by the agreement between the Blood Tribe and the Provincial Director of Law Enforcement, to do quarterly audits of the Blood Tribe Police operation. During the initial tenure of Chief Constable Lambert, the Royal Canadian Mounted Police style and format of audits showed that the project was working well. There was no attrition affecting the trained Blood Tribe Police constables up to this time. There were some observations that the Native constables did well with investigations of short duration. Investigations which required follow up were not followed through with diligence or vigour unless continuously prodded by their Royal Canadian Mounted Police supervisor.

It must be remembered that the Cardston Blockade was still very current and the strained relationships and underlying resentments were still very fresh in the minds of the Blood Tribe and the neighboring community. The Royal Canadian Mounted Police carried on without reference to the "incident". This was an attitude that was incomprehensible to members of the Blood Tribe. The Blood Tribe had held its fall elections, and because of some challenges to procedures, there was a second election which confirmed the make up of the Chief and Council. Roy Fox became Chief and his Council was predominately composed of people who were directly involved with the Cardston Blockade as participants or active supporters and sympathizers with the reasons for the blockade.

This created an impossible atmosphere for a former member of the Royal Canadian Mounted Police to assume the position of Chief Constable of the Blood Tribe Police. A prolonged period of dispute over the jurisdiction and independence of the Police Commission from Chief and Council developed. The Chief and Council refused to ratify the appointment of Chief Constable Lambert and, in fact, they never did so. The result was that Lambert never received his peace officer authority from the Director of Law Enforcement and the Blood Tribe Police never had the support of the Chief and Council. Lambert eventually resigned prior to the expiration of his three year contract. The Chairman of the Police Commission left to study law. The strength and purpose of the Commission appeared to go with him.

During the ensuing life of the Blood Tribe Police the deficiencies of the operation were recorded by the quarterly audits of the Royal Canadian Mounted Police. The areas of concern were reported to the Commanding Officer of the Lethbridge Subdivision, the Police Commission and the Chief and Council. No remedial action was ever really taken by the Blood Tribe Police officers themselves. The audits were always done in the format of the Royal Canadian Mounted Police's "response to complaint" style of policing.

During this time, the Chief Constables were always Acting Chief Constables, appointed from the ranks of the Blood Tribe Police. These men, particularly Lambert Fox who was the most able and dedicated police officer, were never trained in police administration. They had no precedents to fall back on. They had no one with the professional police skills, administration skills or management skills to guide and train them. The deficiencies were apparent and reported but no help from the professional police was forthcoming. It was offered by the field officers of the Cardston Detachment but this initiative failed to obtain approval from the Director of Training both at the division level and headquarters level.

The professional policemen, on the Police Commission as advisors, never took the matter in hand other than to point the deficiencies out. The prevailing attitude was, however, that the Royal Canadian Mounted Police had no formal position. Superintendent Sherman, the officer in charge of the Criminal Investigations Branch, in 'K' Division, pointed out that the Royal Canadian Mounted Police was not a signatory to the Letter of Agreement between the province and the Blood Tribe. This was in spite of the fact that the Royal Canadian Mounted Police 'K' Division was, and is, the contract police force forming the provincial police force.

The correspondence from Lethbridge Subdivision to 'K' Division's Commanding Officer is filled with glowing expectations of success of the project and the cooperation and good relations which existed between the Royal Canadian Mounted Police and the Blood Tribe. These optimistic reports were certainly true of the 12 to 18 months after the completion of the co-patrol field training, but rapidly became self-serving in the later stages of the project before it was terminated.

The warnings and alarms voiced by the representative of the Director, Law Enforcement on the Police Commission were ignored to the point that he was designated as an obstructionist, rather than a constructive member of the Commission.

The Blood Tribe Chief and Council found the project to be very expensive. They found that their commitment to the project flagged since they were expected to provide the funding required over and above the federal money payable to them through Circular 55. The Circular 55 funding from the Department of Indian Affairs and Northern Development was always available, but the timing of the payments was erratic. Payments were usually late because these funds were part of the overall budgeting discussions for all the projects that the Blood Tribe managed for that Department and for itself.

The negotiations for funding of the Blood Tribe's programs was a continuous affair. There was no certainty in the availability of the funding and the amounts for each program were the subject of continuous negotiation. Funding was normally on an annual basis, whereas a project such as the Blood Tribe Police Force required a long-term commitment of funds from all parties. Full commitment of all parties was necessary to guarantee the success of this project. The Police Commission, although properly set up, was required to find and negotiate for monies to cover the shortfall of their operations. This requirement was not, nor should it ever be, the responsibility of the Police Commission. It eventually took all their time and energy.

The Blood Tribe Police recruits could not be accommodated at the Royal Canadian Mounted Police Academy at Regina for reasons previously expressed. The majority of the Blood Tribe Police was now untrained in the basics of the police profession. The funds that the Blood Tribe had been able to commit in the excellent financial climate of the 1970's and early 1980's became scarce or unavailable. Equipment deteriorated and repairs were costly. Adequate facilities for the Blood Tribe Police were never provided.

The end result was that the Solicitor General of the day found it necessary to terminate the project. In December, 1986 he instructed the Royal Canadian Mounted Police to resume the full responsibility for policing the Blood Reserve. It is doubtful that the Royal Canadian Mounted Police had ever really been able to relinquish this responsibility. It did not end, however, for the Blood Tribe Chief and Council.

They maintained their firm resolve to have the control of the policing of their reserve to a standard acceptable to their needs and culture. They maintained a force of constables and set about renegotiating a new Blood Tribe Police project. They approached the Solicitor General of the Province of Alberta and entered into negotiations through the Deputy Solicitor General and the Director of Law Enforcement. As a result of these negotiations, the province agreed to again assist in setting up a Blood Tribe Police Force. A tri-partite agreement was entered into by the Blood Tribe and the Provincial and the Federal Governments for the development of a second Blood Tribe Police Project.

The Blood Tribe set up a selection committee and advertised the position of Police Chief. Elizabeth Scout, an innovative and energetic woman with no prior policing experience, was selected by the Committee and subsequently appointed by Chief and Council. Her instructions were of the broadest scope. The new Chief of Police arranged for the training of 12 constables at the provincial Solicitor General's Staff College. She had a nucleus of members, largely untrained, and recruited up to 12 officers. These members subsequently graduated and all but one took field training with the Royal Canadian Mounted Police at Cardston. Chief Scout took her shortened field training with the Cochrane Detachment which policed the Morley Reserve. She later attended the Police Staff College in Ottawa. After graduating, she became the first Native and the first woman police chief accepted as a full member of the Canadian Association of Police Chiefs.

Chief Scout's background is in Corrections and she had minimal association with law enforcement. Unfortunately, she had no experience in the practical aspects of a police force from the operations, management or administrative side. Her instructions were to set up a police force based upon the community policing model, which would be acceptable to the Blood culture. When Chief Scout was appointed, her first responsibility was to fix up the existing police accommodations, which she did with police constables. Considering the male/female relationship in the Native culture, she had to overcome the Indian Constable's negative attitudes of having a woman as the Chief of the Blood Tribe Police. She has been successful in this.

Community policing is not a new discovery or advance in policing, as previously observed, but it is the model most acceptable to the Blood Tribe and meets its cultural needs. Chief Scout's corrections background is certainly compatible with this model and is supported by her belief that the police are the front-line social workers. The modern day police service finds this concept difficult to adjust to.

Chief Scout's second priority was to select and hire police constables. The third priority was to get them basic training, which was done at the

Solicitor General Staff College. The Blood Tribe Police officers were paired with field trainers of the Royal Canadian Mounted Police in a training mode. Local arrangements between the Blood Tribe Police Chief and the Cardston Detachment Commander provided for continuing cooperation and co-patrolling for the mutual benefit of the police forces. Subsequent information leads the Commissioner of this Inquiry to believe that these arrangements may not be proving successful. The fourth priority was to provide a manual of procedures. In this, she felt rebuffed by the Royal Canadian Mounted Police and eventually she got support from the Great Falls Police Force in the State of Montana. It does not appear that a manual was ever completed.

The next priority was to develop a suitable new facility for the Blood Tribe Police Force. She single handedly collected money from various energy companies who were philanthropically interested enough to provide financial assistance. The Department of Indian Affairs and Northern Development provided considerable funds over and above the normal funding. Chief and Council committed funds for this building. The building is almost completed, and will be occupied by the Blood Tribe Police upon completion. The Commissioner of this Inquiry has viewed the building and has some grave reservations as to its eventual utility in its present design.

The Chief and Council are more fully committed to support the second Blood Tribe Police project. The Royal Canadian Mounted Police has been directed to be the back-up in the first stages of this project and will assist the fledgling pilot project. It is only fitting that it has an advisory member on the Police Commission. The provincial Director of Law Enforcement also sits on the Police Commission and acts as an advisory member.

The Director of Law Enforcement is responsible, by terms of his office, for the Police Commission and thereby maintains the standards of the daily operation of the Blood Tribe force. This latter situation is a most sensitive position for him to be in. His personal representative is the on-site resource to guide the Police Chief and the Deputy Chief but he must let them do the job themselves. This is made much more difficult if the Police Chief is an energetic novice administrator whose background is corrections rather than policing.

It is also most difficult when the perception of a police force by certain Blood Tribe representatives is simplistic. On examination, in depth, it is far from simplistic for a person to be hired, trained, placed into uniform, put into a police car and required to be a policeman in any or all of the current models of policing. Development of a police force generally involves many practical and necessary considerations to be successful. Training is important, but most essential is that inexperienced officers have well experienced supervisors and be led by an experienced Chief and Deputy Chief.

The representative of the Department of Indian Affairs and Northern Development is no doubt on the Police Commission as a funding facilitator. It is practical in the perception of the Indian to have an expeditor on the Police Commission.

There has been no general commitment of secure funding for this second Blood Tribe policing project. The primary concern is again, where is the money coming from? It has been shown that the Provincial Government has been prompt in the payment of its financial undertakings to help the Blood Tribe launch a policing service. It is equally clear that except for the payment of the Circular 55 funds for Blood Police Constables, the Federal Government has been unduly tardy in producing the funds it was to commit. The case in point is the 3B special constable money as per their agreement with the province. These funds, as of the latter part of October, 1990, had apparently not been processed for payment. The Blood Tribe Chief and Council in their management of the various programs had not forwarded their promised funding and as a result, interim financing has to be arranged by the police force itself. This is certainly not an indicator of stability nor an attractive profession for those persons who would wish to make policing their career choice.

4.6 TESTIMONY OF THE CHIEF OF THE LETHBRIDGE CITY POLICE

The involvement of the Lethbridge City Police, as it pertains to the Sudden Deaths, is contained in the relevant sections of Phase I of this report. Comments were made at the end of those sections. The testimony of the elected Chief of the Blood Tribe, Roy Fox, is also of significance with respect to the perceptions of the Blood Tribe regarding the Lethbridge City Police.

The Chief of the Lethbridge City Police testified as to the qualifications and standards demanded of persons applying for employment with the Lethbridge City Police. The Chief of Police is a 31-year veteran of the Lethbridge City Police and has worked in every phase of this force. During this time he has taken every course available to him in police management and in specialty training. The Lethbridge City Police had been a force of 102 members which, as of April 1990, was increased to 107 members. It is noted that only in April 1990 did it recruit and employ a member of a visible minority, namely a person of Chinese heritage.

The Chief is responsible to the Lethbridge Police Commission for the day to day operation of the city police force. He is responsible to the Commission for carrying out their policies. He testified that the "community service policing function is in essence the crime prevention function of a police force." He uses as examples the "school resources" officers and the "Impaired Driver programs'. These programs are not "pro-active" in the sense that the police go looking for these assignments. They respond positively to the requests of the educational institutions and the community institutions which request the programs. As a result of the evidence led before this Inquiry, the Chief of Police has instituted the position of a full-time training officer who is also utilized in this area of community policing.

The Lethbridge City Police has steadfastly maintained its basic qualifications for hiring and training its police officers and this is thought to be a valid adherence to the principle of a quality police force. The Chief of the Lethbridge City Police stated the overall policy is "that all minorities are entitled to apply for employment, providing that they have the prerequisite qualifications." This is in keeping with a motion made at the Police Commission Board meeting June 22, 1988, as follows:

> "Be it resolved that the police administration work with the City Personnel Department to develop pro-active recruitment guidelines for all socially disadvantaged groups and further, that a report be presented to the Commission in September."

The Personnel and Staff Development Officer of the Lethbridge City Police worked with the Personnel Officer of the City of Lethbridge. The result of the policy directive was that an "Equal Opportunities Employment Policy" was developed through the City Manager's office. This is the policy that governs all hiring within the City of Lethbridge and this includes the police. Its object is to provide equal opportunities for minority groups. The position of the Lethbridge City Police is that:

> "any Native who applies will be given consideration....if they meet the requirements set forth in the terms of recruitment policy....there is no problem with them applying."

It must be emphasized that the Lethbridge City Police has no independent recruiting office, and designates a Staff Development Officer from its ranks. All recruiting is commenced in the Personnel Department of the City of Lethbridge. It is difficult to initiate any basic changes in recruitment when the work is done by the city's Personnel Department. This department is somewhat removed from the City Police Force. This makes it difficult for the police to do any pro-active recruiting of minority groups, no matter how well intentioned both the police and the Police Commission are.

The steps of recruiting personnel are as follows:

1. The City Personnel Department does the advertising when apparently requested to do so by the Lethbridge City Police.

2. Applications for the advertised police positions are received through the Personnel Department and this office screens the applicants on the basis of primary qualifications.

3. If they are qualified, then the City Personnel Department calls the applicant in and the prospective recruit is given an aptitude test. The pass mark of this test is 70%.

4. The successful applications are forwarded to the Lethbridge City Police for review by the Staff Development Officer.

5. The Lethbridge City Police Staff Development Officer conducts preliminary interviews with the applicants.

6. Several interviews are then conducted by a board of Senior Officers. Those boards are made up of Staff Sergeants and Sergeants.

7. Applicants deemed suitable are then given a polygraph test.

8. The short list is then prepared for review by the Chief of Police.

9. The Chief of Police then presents the final short list to the Board of Police Commissioners who make the final selection and appointment.

The procedure for recruitment is set out in the Manual of Recruitment, which makes it mandatory for the applicant to have graduated from the Law Enforcement Program of the Lethbridge Community College or have equivalency through a college, university degree or practical police experience. The setting up of the Law Enforcement Program was the work of retired Chief Carpenter. This officer was instrumental in convincing Lethbridge Junior College to establish the Law Enforcement Program in 1969. That program assisted the smaller police forces, such as the hundred man Lethbridge Police Force, in developing a pool of educated law enforcement officers to be recruited from. It provided a broader and more knowledgeable officer, as well as potential for continued education in an academic setting. This still holds true, as it is the corner stone requirement of almost every recruit for the Lethbridge City Police.

The current size of the Lethbridge City Police Force is almost the same as it was in 1969. It is also of interest that the Law Enforcement Program started with one instructor and five students. It is now a quota course of 150 students with eight full-time instructors and seven part-time instructors. It has about three applicants for every chair in the course. There is no provision for setting aside a certain number of these chairs for Indians and Metis. This is so despite the ever increasing demand from across the country for persons of Native background in the fields of law enforcement, corrections and security. Many police services rely upon this institution for their recruits.

The course has been expanded in scope. It is a two-year course. The first year is common to all disciplines in the field of law enforcement. The second year of this diploma course has some courses common to all students. The student in this second year selects either law enforcement, the correctional field or the security field, which determines the remaining required courses he/she must take.

The program has an Advisory Committee of some 30 members representing the community, prospective employers and students. The purpose of the Advisory Committee is to ensure that the program remains current. It provides a sounding board for the facility to enable them to make modifications to their courses in the respective fields of law enforcement. It provides, above all, a most necessary pipeline to prospective employers for their graduates.

Many of the faculty and some of the Advisory Committee have had Royal Canadian Mounted Police careers in the Southern Alberta region. Some thought should be given to assist in overcoming the Natives latent animosities of the 1970's and particularly the 1980's toward the Royal Canadian Mounted Police. It may not be a primary factor, but the Commissioner of this Inquiry believes it to be a significant latent factor in the inability of this course to attract Blood Indians into the Law Enforcement course.

The goal sought by former Chief of Police Carpenter and as restated by the current Program Chairman, R. C. Harrison, "was to provide (for the police and their recruits) an enhanced educational background with particular emphasis on the social sciences, the human sciences, together with a technical background that related to the tasks, jobs and duties of a police officer, an enforcement officer....to be obtained in an educational setting". This is still valid today, as number 380 of the Lethbridge City Police Manual states:

> "The selection process for police officers is designed to choose the most qualified, and to eliminate those who are physically, emotionally, mentally or socially unfit. Those selected, however, are representative of the community and biases in much of society. Exposure to crime and its aftermath can tend to harden and render insensitive an officer whose sympathetic understanding is needed to properly perform his duties. The Force must provide initial and continuing training in human and community relations to help officers avoid this hardening of attitude and to imbue in each officer an understanding of his total role in the community."

The Program Chairman advised that his Department was undertaking an initiative that should encourage more Indian and Metis participation in the program. The Law Enforcement Program's basic qualification, with rare exception, is Grade 12. The college recognizes that some learning skills are lacking in Native candidates. It is also recognized that methods of examining and grading students must be more flexible and more appropriate to the students strengths. The college has, therefore, instituted a two year "Certificate" program designed to attract Indian and Metis students. This course is equivalent in content to the first year of the two year "Diploma" course. The student could specialize in law enforcement or corrections. The school hopes the student, who has thus upgraded his education and learning skills, will take the second year of the "Diploma" course. If the student successfully completes this graduating year of the "Diploma" course, then he/she will receive the diploma for completing the Law Enforcement Course. This should provide the primary qualifications to apply for employment on the Lethbridge City Police, subject, of course, to final selection as set out in that force's recruitment manual.

The Chief of the Lethbridge City Police has a small police force which must deal with many of the police concerns arising out of socio-economic problems. These problems include the usual obvious ones such as alcohol abuse and its resulting assault charges. The housing problems also have an impact in the interaction between the Indian and the Lethbridge City Police. These problem areas end up in the domain of the police when, in reality, they should be dealt with by more appropriate social agencies. It is suggested that these problems would be alleviated if the respective parties together or separately would initiate meetings to determine the problem, determine the solution and work at eradicating the problem. Lines of communication need to be established. This should be through the appropriate social agencies of the city and the Blood Tribe.

The Commissioner of this Inquiry believes that an example where an appropriate line of communication could be established is in the notification of next of kin in Sudden Death cases which involve Blood Tribe members. This procedure should be dealt with by the two police forces discussing the problem and coming to a solution acceptable to both.

4.7 TESTIMONY OF LAW ENFORCEMENT DIVISION - PROVINCIAL GOVERNMENT

Testimony was provided by William Whetstone, then Director of Policing Services Branch, and Erhard Hahn, the current Director of Law Enforcement, both with the Department of the Solicitor General of Alberta.

From the examination of documentation provided the Commissioner by the Office of the Director of Law Enforcement and from the evidence given by the Director of Policing Services Branch, it is apparent that the Alberta provincial policy with respect to the delivery of policing services to the Indian really started after the 1975 Federal/Provincial Justice Minister's meeting which was held in Edmonton. It was the intention of the Department to deliver a policing service to the reservations tailored to the needs and culture of the native communities.

Provincial policing has been provided by the Royal Canadian Mounted Police through a contractual arrangement between the Federal and Provincial Governments.

The Indian leadership appreciated that the remoteness of some of their communities left them with an unsatisfactory level of police service. Several of the Bands, therefore, employed their own Band Constables who were residents of the reserve and who became responsible for "civil by-law" enforcement. The Royal Canadian Mounted Police always felt that it was not responsible for by-law enforcement on the reserve although Assistant Commissioner Head makes a recommendation otherwise. Many reserves expressed their intentions to employ their own Tribal Police Officers who eventually would become an accredited police force and thus achieve their ultimate goal of self-policing. The Blood Tribe was among the first to do so.

These tribal constables were paid for by what was Circular 34 funds. Circular 34 was superceded in September of 1971 by Circular 55, which is still the source of funding for this "level" of police force. This provided the reserves with two levels of law enforcement albeit, each force had its authority set out (i.e. Royal Canadian Mounted Police and tribal constables).

With the division of authority that was evident, they complemented each other. With experience and training and eventual accreditation, the Tribal Police Officer would eventually supplant the Royal Canadian Mounted Police, but only after a varying period of time during which it would truly be dual policing. The Dakota-Ojibway tribal police force is a case in point.

The principles of operation informally adopted by the province appear to be:

1. Policing in Native communities will be provided by the provincial policing services, consistent with the theme of addressing community needs and cultural values.

2. Native communities which have the means and opt to develop their own community-based policing will be assisted and guided in developing a police service.

3. A Native community's own policing service will be developed under a policy direction of a Police Commission commensurate with the *Police Act*, with necessary changes to accommodate Band requirements.

4. The Native community will be encouraged to participate with the police in practising crime prevention and diversion with community volunteer involvement.

5. Provincial financial support for Native policing will be based on need and will be in the category of grants available to other communities.

The objectives of this informal policy appear to be:

1. To ensure that the Native people are provided with a culturally and community specific policing service which responds to the policing priorities as identified by the Native peoples.

2. To provide an effective and efficient delivery of policing service to the residents of the Indian reserves and other Native communities.

3. To encourage the development of Native persons in achieving a professional police status and the ability to assume responsibility for policing their own people.

4. To solicit support of all involved government departments and other responsible resource persons in Native communities.

5. To set out the steps to be taken by the Chief and Council to qualify for the help to be made available by the Provincial Department concerned.

The policies or objectives are simply stated by the Director of the Policing Services Branch that:

> "The law enforcement Division will work with Native communities who wish to assume responsibility for their own policing to establish a community based service. The Native community must satisfy the Solicitor General that it has the means and ability to provide an adequate policing service."

4.8 GENERAL OBSERVATIONS

Since the arrival of the police, and particularly after the signing of the Treaty at Blackfoot Crossing, a paternalistic attitude has developed towards the Indian by the Royal Canadian Mounted Police. Due to all the circumstances of that era and in particular the extreme deprivation the Bloods found themselves in, this attitude was accepted by the Indians.

Today's young Indian is better educated, and at the same time has rediscovered pride in Native roots and culture. These young Indians demand respect and equal treatment. In short, Natives are now vigorously seeking their rightful place on the Canadian scene.

The Royal Canadian Mounted Police, the traditional police force delivering police service to the Indian Communities, had a very difficult role to fill. It was the Queen's representative and was viewed by the Indians as their protector. The Royal Canadian Mounted Police was, at the same time, the enforcers of the law, the Judge, the prosecutors and the gaolers of those Indians convicted of offences. Most incongruously, the police themselves were at times punished and became prisoners in the same lock-ups with the Indians they had apprehended, prosecuted and jailed.

In addition to these responsibilities the police fed the Indians during the stark winters and the starvation they experienced in the early years of reservation confinement. When this responsibility was taken over by the Indian Agents, the police were viewed as instruments of those Agents rather than as the Natives' protectors and benefactors. These conflicting functions performed by the police were certainly confusing to the Indians. The paternalistic attitudes developed by the Royal Canadian Mounted Police are therefore understandable but unfortunately coloured the police officers' vision or interpretation of their responsibilities. This is especially true relative to delivering the type of policing that the Indian community expected, and is now demanding.

Since this Inquiry was set up March 2, 1989, the Royal Canadian Mounted Police has made a thorough self examination in relation to the communities it serves particularly with respect to policing the Native. Royal Canadian Mounted Police Commissioner Inkster ordered a study on aboriginal policing across Canada (the Head Inquiry). As a result, Commissioner Inkster has already instituted policy changes affecting the training of Native police officers and the cultural/sensitivity training of all members engaged in or exposed to the policing of Natives. Royal Canadian Mounted Police Headquarters has given new importance to aboriginal policing. These new initiatives are quickly being accepted by the Royal Canadian Mounted Police and will no doubt be of great assistance to better relations being developed between the two cultures.

This Commission notes with satisfaction that there is a concerted effort to respond to the Indians expressed cultural needs and desires. This Commission is certain that the improved communications and attitudes will result in a clearer understanding between the Royal Canadian Mounted Police and the Indians. It is sincerely hoped that this will result in full cooperation between the parties, and a mutual acceptance of equality and respect. Regretfully, this Inquiry believes that the changes in the Royal Canadian Mounted Police may probably be too late for acceptance and implementation with respect to the larger reserves, such as the Blood Reserve. The larger reserves will most likely accept nothing less than their own stand alone police force. The police initiative is still, however, a most important step and must be steadfastly pursued by all parties regardless of this reservation.

The Commissioner of this Inquiry believes from the evidence before this Inquiry that there is no conscious bias or racial discrimination evidenced in the treatment of the Blood Indians by the Royal Canadian Mounted Police.

As Chief Fox related, he could not in all fairness state that there was deliberate bias and/or racism evident in the dealings of the majority white communities adjacent to the Blood Indian Reserve. There is, however, an unconscious attitude of intolerance, perhaps impatience, of the bordering communities towards the Blood Indian. Former Chief Carpenter of the Lethbridge City Police was very aware of this when he took the initiative to persuade the Lethbridge Community College to establish its Law Enforcement Program. He pointed out that police are recruited from all strata of the socio-economic and cultural mosaic of the Canadian population and they bring their biases and prejudices with them. He recognized the importance of training to overcome these biases and thus enable the policing service to be impartially delivered to a multi-faceted community. The potential for bias is in all communities.

The Blood Tribe sincerely wants self-government. This Inquiry has heard from the Blood Tribe that it wishes to make its own decisions, to run its own institutions, and to exercise its independence as a proud, capable and responsible people.

In the case of the Blood Reserve, many institutions are already managed by the Chief and Council on behalf of the Federal/Provincial Governments. These partial or wholly operated institutions create some problems in the overall picture only because they are in place in varying degrees of ownership by the Tribe. One result is that the consistency of funding for their stand alone police force is in constant competition for funds on an annual, quarterly and monthly basis. Police funds require consistency and cannot be part of such continual internal competition. This creates an atmosphere of uncertainty when what is absolutely necessary is a long term guarantee of funding.

The policing of the Blood Tribe presents a most difficult problem. Self policing is one external manifestation of their wish for independence. The first Blood Tribe Police project was a progressive success in its early months. This was so, despite the devastating effects of the aftermath of the Cardston Blockade. The Police Commission, when finally appointed, assumed its role with determination and enthusiasm. This was no doubt due to its chairman of the day. It would have been more desirable if the Police Commission had been appointed at an earlier date and therefore had participated in the planning and development of the force. In future projects the Commissioner of this Inquiry believes it to be of paramount importance that the Police Commission be in place to make the first crucial decisions and to take control from the very beginning.

In the first Blood Tribe Police Project the Police Commission had to overcome the difficulties of making changes in a project which was already a viable entity, having been developed by someone else. The ensuing debate with Chief and Council as to its jurisdictional and independent control of the policing service focused upon the employment of the Chief Constable of the Blood Tribe Police. The Police Commission maintained its integrity throughout this debate. The subsequent departure of the Chairman to pursue a legal career marked the beginning of its decline in effectiveness. There had been insufficient planning and discussion on the part of all parties before the project was hurried into being. The original Blood Tribe Police Force project (pilot program) lived and died prior to the establishment of this Inquiry. It was thoroughly examined by this Inquiry.

There are marked similarities in the re-birth of the Blood Tribe Police project. The Chief and Council who had never accepted the fact of the demise of the first police project, again instructed the Chairman of the Protection Services Committee to search for and hire a Police Chief for their new initiative at self-policing. The Police Commission again was not appointed until well after the preliminary planning and implementation was underway. The Police Commission again finds itself in the position of having to catch-up in its responsibilities and control. It really has not as yet taken over the direction of policy and particularly fiscal control. It appears as yet not to have fully taken on its general responsibilities. These decisions still appear to be made by the Police Chief and generally approved by the Police Commission. This is surprising because, on review, the new Police Commission membership appears to be even stronger than the membership of the first commission. They have not yet insisted on fiscal responsibility, whether it is from Chief and Council or from the Chief of the Blood Tribe Police. The potential is there, but the responsibility has not yet been grasped. They have not as yet firmly insisted that the Chief of Police carry out their directives or that the stated lines of reporting be rigidly adhered to.

The present Chief of the Blood Tribe Police was hired by Chief and Council before the calling of this Inquiry. Chief Elizabeth Scout was given a broad and demanding mandate with great freedom and latitude to carry it out. She did this with tremendous energy.

The Police Chief has done a creditable job in recruiting officers, in negotiating for and obtaining their training, and in finding funding for the police building. She has the understanding of what the Blood Tribe expects to receive for police services. The Bloods desire a community policing model to meet their cultural needs and standards. She has forged a police force almost single handedly from a few undertrained "band constables" into a force that has the very real potential of becoming an accredited police force. The fact remains, however, that she did not have previous police experience either in management or administration when she was given the position. The time has come when the best of management skills are required to carry the police service towards its goal of becoming an accredited police force.

The practice of requiring the Chief of Police to find the funding for the police building and funding for the routine expenses to pay staff of the police force must be urgently reviewed. Such a policy is not consistent with the Chief of Police's responsibilities regardless of the policing model employed. The Police Commission must study this problem and make firm recommendations to Chief and Council because the project is at a crucial point in its development. The policy must come from the Police Commission who report to Chief and Council and give direction to the police force through the Chief of Police.

Community policing models are not a new concept of policing. The protection of the reservation population is the first priority of a police force and the reserve population is entitled to this. If there is a socio-economic problem contributing to the standard of safety and protection of the members, the Police Chief should make her submissions and recommendations to the Police Commission. The Police Commission must address the problem and set the policy to resolve such a problem subject to the approval and direction of the Chief and Council. The directive is then from the Police Commission to the Police Chief for implementation.

It is of utmost importance that the Police Chief keep herself and her officers politically neutral. The Chief and Council must refrain from political interference with the police, and the police must not be at odds with the Chief and Council in the public, partisan political arena. The police are the servants of the public and must be impartial. This will be very difficult in such a close knit community as the Blood Reserve. These difficult decisions must be made by the Police Commission.

The new police facility has to date been designed and built to 90% completion. It is obvious that there was no person with practical police experience involved with the planning and construction of this building. A ready example is the holding cells which are described as dungeons by the Chief of Police. Artistic imagination has been allowed free rein without heed to the practical use this building was being designed for. It is, of course, better than any other facility that has ever been allotted to the police service in the past, and that alone is to the credit of the Chief of Police. Once the police occupy the building immediate modifications must be made to make it useful and practical. The advice of experienced police administrators was available but was never consulted. Since the members of the Police Commission were appointed so late in the Blood Tribe Police development, they have been unable to get this building completed. It is a project that requires the immediate attention of the Police Commission.

Job descriptions for all components of the policing service in the original pilot project were never completed and in the new project they were not as yet properly completed at the time the Inquiry's Public Hearings concluded. This may have now been completed under the guidance of the Director of Law Enforcement's representative working with the Blood Tribe Police.

Without going into the other major facets, it is sufficient to say that most of the energies of the Police Commission and the Chief of Police appear to be concentrated on finances, policing policy and the police building. This has been detrimental to other areas which make up a policing service. The acquisition of vehicles and communication equipment is such an example. Another would be the development of staff resources and ensuring that there is trained back up. The development of community services is yet another area.

The protection of Blood Tribe Police and the Blood Tribe members is a critical priority. Attention to this prime responsibility is suffering because most energies are diverted to lesser priorities. Matters such as finances, policing policy and the police building should be dealt with by the policy makers and not left to those responsible for delivering the policing service on a day to day basis.

The cooperation and communication between the Blood Tribe leadership and the Commanding Officer and officers of Headquarters 'K' Division is good and continually improving. When this filters down to the delivery of service level there appears to be some inconsistencies in opinion as to how well the police forces communicate and work together.

In the first police project the Royal Canadian Mounted Police never really relinquished the responsibility for policing the Blood Reserve. On the contrary, it was clear from the evidence and exhibits that there would not be such a relinquishment of this primary responsibility. The Blood Tribe Police, under those circumstances, had a built in factor for failure. This is not apparent today, as yet. Cooperative efforts at the level of delivery of police services have more chance of success, but there appears to be a reluctance on both the Royal Canadian Mounted Police and the Blood Tribe Police to fully accept each other in a cooperative learning process.

The local arrangement of co-patrolling on the reserve is made much of, or belittled, depending upon which party is listened to. Co-patrolling must be encouraged by the Police Commission, working with the Lethbridge Subdivision and the Cardston Detachment Commander. The Police Chief of the Blood Tribe Police must carry out the directions of her supervisors with whole-hearted neutral cooperation. This co-patrolling agreement in the Commissioner's opinion is necessary for broadening the experience and confidence of the Blood Tribe Police Force. It is also necessary as the primary link in the communication between the two forces so that mutual respect may be achieved and cooperation fostered.

There is still some way to go before the Blood Tribe Police achieves the status of a stand alone accredited police force. Such a police force is of such high profile that it must be handled delicately and with great finesse by all the parties to ensure its success. It is the symbol of the Blood's desire for independence, self-government and for respect in his community, confederacy, Treaty, and by Canadians generally.

In the past, the Indian's wish for independent self-government, as expressed by his wish for a stand alone police force, was accepted, encouraged, but not felt fully workable. That attitude has been changed, and the change is becoming apparent. In order to assist not only the current Blood Tribe Police project but other proposed and future policing projects, it is concluded that an open forum should be established to resolve problems of implementation of these police projects. Such a forum could be found within the framework of a Provincial Native Police Commission whose mandate includes dispute resolution where all parties can freely speak and arrive at a consensus for resolving their problems regarding policing issues. This Provincial Native Police Commission is not intended to erode the authority of the local Police Commission.

This proposed Provincial Native Police Commission should assist in the overall setting of minimum police force standards. It could function to develop additional guideline/standards particularly in the area of training and recruitment. It should monitor the program and assist, in consultation with the Blood Police Commission (or any other governing body as necessary) in seeking out the problems, and correcting them before they become too great to be overcome. The local Police Commission would retain control over such matters as daily operations, actual recruitment, setting police priorities for the community and crime prevention activities of the police. This process could assist the Blood Tribe Police Force in becoming a successful model for other large Native reserves.

The Provincial Native Police Commission should have representatives from the Department of Indian Affairs and Northern Development, the Province of Alberta and the Provincial Indian Associations. It would certainly be compatible with the traditional Indian system whereby the major objective is to ensure restitution and compensation rather than retribution, in the criminal justice field. It would provide the Indians with the framework for achieving their own negotiated resolutions for problems as they arise.

The Provincial Native Police Commission would be accountable ultimately to the Provincial Solicitor General who has the statutory responsibility for the administration of justice.

No matter what processes and procedures are adopted to shape the future of policing services and Royal Canadian Mounted Police-Blood Tribe relationships, it is absolutely clear that the Blood Tribe must be a full and equal partner with either the Provincial Government or the Federal Government or both. If the Natives are not included in this process then all the many exercises and potentially good recommendations flowing from such will be for naught.

This Inquiry has attempted to listen to the Indian People in order to define the issues, prior to coming to any conclusions. It has listened to all parties who have an interest, vested or otherwise, within the Terms of Reference of this Inquiry.

5. SUMMARY OF MAJOR CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS RESPECTING SPECIFIC TERMS OF REFERENCE

5.1.1 Inquire into the treatment by the police of members of the Blood Tribe when they are arrested and detained prior to speaking to legal counsel or prior to appearing before a Hearing Officer or before a Judge.

Conclusion:

The witnesses testifying before this Inquiry did not disclose evidence of physical abuse of persons arrested by the Royal Canadian Mounted Police, or the Lethbridge City Police in the isolated cases it dealt with, during the investigations conducted into the Sudden Deaths.

During the Cardston Blockade there is no doubt that there was force used which the Blood Indians perceived as excessive. The Royal Canadian Mounted Police felt the amount of force it used was justified in the face of the resistance exhibited by some of the Blood Indians who were arrested. This was an incident which had the potential for explosive violence. It was a classic confrontation where, given the circumstances, no peaceful resolution was negotiable because of the strong belief by all parties that they were acting in a reasonable manner. They believed that their conduct was based on their right to act in the manner they did.

The Royal Canadian Mounted Police has dealt mainly with the Blood Indians in cases where the problem was basically alcohol or substance abuse, and the criminal charges which flowed from this, such as assaults and family violence. In the first instance the police respond to a complaint which the Indian initiates. Upon arrival, the Royal Canadian Mounted Police is immediately placed on the defensive. This is particularly so if it is a domestic situation. This is not unusual in any of the cultures of the Canadian mosaic. In the case of the Blood Indian, it is very pronounced because of the cultural differences. The Bloods are a close family unit, even into the extended family. This, combined with their natural reticence towards authority figures aligns the Indian against the police. The Blood culture expects the police to remove the cause of disruption, but really no more than that. The police, on the other hand, see a criminal event and they arrest the cause and take that person to jail.

The "White" response to crime is to apprehend, convict and punish. The Blood culture seeks a different resolution to the incident. Theirs is a civil rather than a criminal approach. If some harm has been done, then there must be a suitable compensation awarded the aggrieved person or family. The intent is to cleanse the aggressor and put him back into society as a continuing useful person. The element of punishment of the transgressor is the very last resort. It is at this point that it becomes important to consider the culture of the Bloods and to understand it. The cultural differences may cause the Blood Tribe member to consider the form of apprehension and subsequent processing as being abusive. The police agency sees it only as another arrest and booking.

5.1.2 Inquire into how the police verify the accuracy of information upon which a charge is based prior to an investigating police officer recommending that charges be laid against members of the Blood Tribe.

Conclusion:

The experienced police officer in the field should investigate Native claims or information further and in more detail to see whether the factual belief of the Indian is based on his/her own knowledge, or if the "perception" is based on information received from someone else. Traditionally the spoken word was at the heart of the integrity of a Blood Indian. No written language existed and therefore the truth of oral communication was accepted as basic truth. It is culturally a fact that when a Blood Tribe member relates an incident it is considered as being true as if the witness had seen it personally.

The integrity of oral communication has been eroded as is evident by the rumours that arise around Sudden Deaths. In the Sudden Death cases investigated by this Inquiry, there was evidence that this had occurred. The police generally contacted various witnesses to cross-check their information. There were some inconsistencies in evidence that should have at times been investigated in greater detail. The resolution of these matters would have made the situation more understandable to the Indian within the framework of his cultural perception.

It again emphasizes the requirement of cross-cultural education specifically tailored for the reserve, in this case the Blood Reserve. Officers need to fully understand the non-verbal or reticent manner in which Blood Tribe members communicate their concerns or fears. They must not be so quick to accept the verbal responses as being what the Indian is in fact wishing to communicate. The exercise of patience must be practised.

5.1.3 Inquire into the treatment by the police of relatives of members of the Blood Tribe in those situations where the police make contact with and question relatives following the death of a member of the Blood Tribe and during police investigations into matters that could lead to charges against members of the Blood Tribe.

Conclusion:

It has been stated time and time again in testimony before this Inquiry that there is no conscious bias on the part of the police personnel in their dealings with the Blood Indians. There are probably times where an unconscious reaction of the police officers is to make light of certain situations in an attempt to alleviate the apprehensions of the next of kin or even friends and family of persons being charged. This is not appreciated by the Native people, as their evidence has shown. Some Native people were deeply hurt and offended through their interaction with the police in certain of the Sudden Death cases. A certain insensitivity was perceived in some investigations, however, the Commissioner does not conclude this behaviour to be a deliberate act to offend or show disrespect. It is a perceptual matter for the Blood Indians rooted in their culture which is foreign or certainly unknown to the police officer. Again, cross-cultural education specific to the Natives involved is highlighted as absolutely necessary.

5.1.4 Inquire into how the police have investigated the deaths of members of the Blood Tribe, in those situations where the deaths are not by natural causes or are of a suspicious nature, or when the cause of death is not conclusive.

Conclusion:

This Inquiry heard a great deal of the perceptions of the Blood Indians in their dealings with the police. It also heard a great deal of the misconceptions that the Native has in his interpretations of the general laws governing the outside population. Once the actual investigations were launched by the police agencies involved (i.e. Royal Canadian Mounted Police and Lethbridge City Police) there is no evidence of bias or racism due to the deceased being a Native. Some concerns about the completeness of some of the investigations were valid, but this was not due to bias or racism, but rather a criticism of the thoroughness of the individual officers involved. The Indian, however, could very well perceive this as a bias.

The initiation of investigations in certain cases was, at times, confused due to regional policing jurisdiction problems compounded by the reticence of the Natives in explaining or clarifying their particular concerns. The police did not appear to appreciate this factor in certain cases. The police, at times, did not appear to give sufficient importance to the Indian's concerns in cases of missing persons. That police investigations are in some way flawed or incomplete when Native people are involved is a Native perception that both Indian and police must tackle in order to develop communications based upon mutual trust. In this way the "rumours" of bias or racism will be laid to rest and a start to achieving mutual respect will be made.

5.1.5 Inquire into the thoroughness of any police investigation into any prior death of a member of the Blood Tribe that occurred off the Blood Reserve, which in the opinion of the Commissioner was not previously thoroughly investigated.

Conclusion:

This "Term of Reference" has been answered in 5.1.4.

5.1.6 Inquire into whether there was any bias during any aspect of any police investigation into any prior off-reserve death of a member of the Blood Tribe once it was established that the victim was a member of the Blood Tribe; and, whether there was a bias that influenced the manner in which the death was investigated by the police or the priority given to the death by the police.

Conclusion:

The evidence is relatively clear that a bias in respect to the misuse/abuse of alcohol was apparent in the police investigation of certain Sudden Deaths. The police were all too familiar with cases of alcohol abuse and this contributed to the Natives perceiving that a lesser priority was assigned to such cases. Investigations were not always complete or thorough though this was because of assumptions made regarding alcohol. The approach to an investigation always seemed to carry the stigma of alcohol. The Commissioner believes the bias was related to alcohol abuse and was not motivated by racial concerns.

Dr. John Butt, Chief Medical Examiner, was emphatic in his analysis of this matter that alcohol and not racial origin influenced the police perception.

5.1.7 Inquire into the adequacy of policing provided on the Blood Reserve both by the RCMP and the Blood Tribe Police Force, as presently constituted.

Conclusion:

The Royal Canadian Mounted Police has provided an adequate policing service to the Blood Tribe over the years. It is regrettable that the policing service delivered by the Royal Canadian Mounted Police has developed into the "response to complaint" style from the old "community policing" style of earlier years. This latter style of policing is much more appropriate to meet the cultural needs of the Bloods and, therefore, the level of service expected by the Blood Community.

It is this "response to complaint" standard of policing which has given such impetus to the Blood Indians desire for their own stand alone accredited police force. The Commissioner has been advised that the Royal Canadian Mounted Police is responding to the Native wish to be involved in their own policing. However, it may well be too late to satisfy the large reserves with anything short of their own stand alone Native Police Force. The Bloods are pragmatic and understand that the Provincial Police Force will be required to provide the back-up upon request during any phase-in period until the Blood Tribe Police become a stand alone force. As well, they understand that when accreditation is achieved, the back-up will always be the Provincial Police Service regardless of how and by whom this service is delivered.

It is unfortunate that the first Blood Tribe Police pilot project of the late 1970s and early 1980s failed. The reasons are set out in section 4.5. It is an experience to be drawn from and will hopefully lead to the future success of self-policing the reserve. It is in this area that the Provincial Police and the Blood Police must work closely together under the close scrutiny of the Provincial Director of Law Enforcement.

The second Blood Tribe Police project is developing in a similar manner to the first one. There are problems with the current police project that mask any true assessment of the Blood Tribe Police Force's competence. A forum of free discussion and exchange of information is required to iron out the problems facing this new fledgling force.

With the certainty of funding and the renewal of commitment on the part of the concerned levels of leadership, this force will survive and be able to provide an effective and acceptable standard of policing to the Blood Tribe. If there is any holding back of these commitments of funding and support, then this newest effort will likely go the way of the first project.

5.1.8 Inquire into the level of knowledge of police officers of Native culture generally and more particularly their awareness of the Blood Tribe culture.

Conclusion:

The evidence has disclosed time and time again, that even those police officers in the field had gained only a superficial knowledge of the Blood culture. It has been stressed that cross-cultural training, specific to the Blood Tribe, must be instituted with the agreement and the assistance of the Blood Tribe Elders and current leadership.

5.1.9 Inquire into the effectiveness of existing communications between the Blood Tribe leaders and members and the police forces.

Conclusion:

The evidence made much of the lack of communication between the Blood Tribe members and the respective police forces prior to this Inquiry being constituted. Examples included the Cardston Blockade and its aftermath as well as certain of the individual Sudden Death investigations. The Commissioner can only conclude from the evidence and testimony that such lack of communication existed and was a major obstacle to police-tribe member interaction.

The Royal Canadian Mounted Police indicated it was unable to access the Blood Tribe Chief and Counsel after the Cardston Blockade occurred. Chief Fox agreed that this attitude was prevalent with respect to Council meeting with the Royal Canadian Mounted Police. Council Members felt such meetings would not serve any purpose. The Chairman of Protection Services became the Royal Canadian Mounted Police conduit to the Tribe leadership rather than the Police Commission.

The Commissioner of this Inquiry was then advised of the renewed commitment to communication and understanding by the Blood Tribe Chief and representatives of both the Royal Canadian Mounted Police and the Lethbridge City Police. The Commissioner was pleased to hear of the re-establishment of a

Royal Canadian Mounted Police Liaison Officer to the Blood Tribe and its new police force as well as a Native Liaison Officer being recruited by the City of Lethbridge. It is hoped such positions will be filled by seasoned professionals in their respective fields. It is further hoped that such a liaison position will continue to be of direct assistance in the development phases of the Blood Tribe Police project.

The Commissioner concludes that existing communications are still fragile but are improving under a climate of cooperation. The initiation of formal discussions at senior representative levels and communication seminars/workshops at Police Commission levels would foster a continuation of knowledge of each other's laws and customs.

5.1.10 Inquire into any perceptions that Blood Tribe members have of the police forces and any perceptions that the police forces have of Blood Tribe members, and how these perceptions affect the relationship and interaction between police officers and members of the Blood Tribe.

Conclusion:

The perceptions of both the Blood Tribe members and the respective police officers are influenced by the lack of knowledge of cultural differences by both parties. These perceptions have been addressed in the Terms of Reference 5.1.3 and 5.1.4. The improved communications outlined in Terms of Reference 5.1.9 should assist the perceptions in question to become more objective and less influenced by rumours.

5.1.11 Inquire into any other matter, as determined by the Commissioner, that is directly related to the above described areas and that could facilitate this Inquiry.

Conclusion:

Other matters determined by the Commissioner to be of relevance to this Inquiry are included, in part, in the General Observations Sections - 2.5, 3.5 and 4.8 or in Section 5.2 - Matters Beyond the Terms of Reference of the Inquiry.

5.2 MATTERS BEYOND THE TERMS OF REFERENCE OF THE INQUIRY

In order to reach valid conclusions and make practical recommendations, the Commissioner was of the opinion it was necessary to inform himself of the broader picture of Native concerns. As a result of this it became important to be informed of what is being done on the provincial and national scene.

The Louis Bull Police and representatives of its leadership and Police Commission were visited. It is one of the four bands occupying the Hobbema Reserve. Band Police officers freely gave the Commissioner of this Inquiry the benefit of their experience. In addition, the Wetaskiwin Court is dealing with appropriate sentencing of Natives in consultation with selected Elders of the individual bands on the Hobbema Reserve. The establishment of Court sittings has apparently been considered for the reserve and this is anticipated. This initiative would be supported by the Commissioner.

The Province of Ontario Native policing scene was visited on two different occasions. Professor Allan Grant of Osgoode Law School, York University arranged many meetings for the Commissioner. He gave freely and generously of his time and expertise in the field of Native policing and the justice system as it impacts on the Native. These meetings proved to be invaluable, particularly as they highlighted common problems and the approaches being considered to find solutions.

Advice was sought from other Commissioners, such as the Honourable Alex Hickman, Chief Justice of the Province of Newfoundland, Chairman of the Inquiry into the Donald Marshall Jr. case in Nova Scotia. He dealt with a very high profile case which had to deal with very sensitive issues. The Donald Marshall Jr. case had brought the Criminal Justice System to a very low point in the esteem of the public. Advice was freely given by the Honourable Thomas Berger, Q.C. who was the Commissioner on the McKenzie Pipe Line Inquiry.

These two Inquiries dealt specifically with Natives. It was, therefore, of the greatest assistance and encouragement to this Commissioner to be assured that the procedures adopted were appropriate given the circumstances under which this Inquiry was called. Many others were also interviewed and gave encouragement to the process. These are listed in Appendix "J". These resource persons and agencies were most helpful in acquiring an overall understanding of relevant issues, including policing issues.

These matters were all specifically beyond the immediate Terms of Reference of this Inquiry. They were, however, deemed essential as background information to assist in developing recommendations and, hopefully, solutions appropriate to the overall picture. The soundest advice that has been forthcoming is that the Native must be fully and fairly given the opportunity to express himself, and that any tribunal must faithfully listen to him. In short, he must be fully listened to. The Commissioner believes that this Inquiry has, in this respect, accommodated the Natives.

Mention must be made of several cases which are important in this Inquiry. It is regrettable that circumstances dictated that they could not be heard in the public forum. The case of Bernard Tallman Jr. was perhaps the foremost case which brought about this Inquiry. This was the case of an Indian youth, resident on the Blood Reserve who was murdered by two young white men. This case raised the anger and caused the greatest of concern among the Blood Indians. Violence occurred in the Courtroom and in front of the Court House during the proceedings against the two white men. Even after the verdict of "guilty of murder" and the sentencing of the convicted men, the Blood Indians had the perception that justice had not been done. It was only due to the intervention of Bernard Tallman Sr. that real violence was averted. This Inquiry, on representation by Commission Counsel and with the consent and understanding of Blood Tribe Counsel and Blood Tribe researchers, concluded that since the matter was before the Court of Appeal, it would be inappropriate to conduct a further public Inquiry into the matter. This case remains before the Alberta Court of Appeal at the time of this report being written.

The tragic death of another Blood Tribe member, Chester Heavy Runner, in a confrontation with the Lethbridge City Police just before this Inquiry commenced Public Hearings, caused the Blood Tribe great anguish and resentment. The timing of this case was patently beyond the Terms of Reference. The Bloods wanted the matter included in the Terms of Reference, but the matter was resolved by the Provincial Attorney General calling a Fatal Inquiry before a Judge of the Provincial Court. It was, therefore, unnecessary to have the Inquiry's Terms of Reference expanded.

The death of Elizabeth Across The Mountain was initially agreed to be examined in Open Hearings by the Commission. Time constraints forced a re-examination of the circumstances whereupon it was felt by Commission Counsel that an examination of this case would not provide any new insights into the concerns expressed by the Blood Tribe. This was so ruled by the Commissioner on March 27, 1990. Chief Roy Fox accepted the Commissioner's ruling in correspondence dated April 25, 1990 to the Solicitor General of Alberta.

Among the cases of Sudden Death which concerned the Blood Tribe, there was one in the City of Calgary and one in the City of Edmonton. These cases were presented to Commission Counsel and his staff for review. In consultation with Counsel for the Blood Tribe and the Blood researchers, it was agreed that these deaths were beyond the Terms of Reference of this Inquiry.

The Blood Tribe Counsel and the Blood researchers also brought forward a number of general complaints regarding incidents with police authorities. These complaints were examined by Commission Counsel. Commission Counsel publicly recommended on March 27, 1990 to the Commissioner that public evidence not be called with respect to these complaints. This took place after investigations were completed on those complaints which remained after mutual reviews and discussions with Blood Counsel had been held.

The Commissioner ruled on March 27, 1990 that the matter of specific general complaints would not be heard in Open Hearings in that they did not fall within the Terms of Reference. The Commissioner had not heard any reasons to show that hearing these general complaints would enhance the purposes of this Inquiry. This had been previously expressed in two successive General Counsel Meetings November 7, 1989 and January 8, 1990. Chief Roy Fox accepted the Commissioner's ruling on this matter in correspondence dated April 25, 1990 to the Solicitor General of Alberta.

The Commissioner is aware that Native problems have been the subject of many studies either by Task Force or Inquiry, sponsored by the Federal Government, by Provincial Government or by joint sponsorship.

The majority of these have been published since 1984. However, the most prestigious of these reports is the 1975 Federal/Provincial Ministerial Conference on Native People and the Justice System held in Edmonton. That report, together with Assistant Commissioner R. H. Head's report and testimony/exhibits before this Inquiry indicated trends in recommendations for policing Natives. They are consistently repeated and they remain valid to this day. These, in part, consist of:

1. Cross-cultural training for non-Native staff, training which is more specific to the Native group being policed.

2. Increased employment of Native staff.

3. Increased Native advisory groups at all levels of the delivery service of policing and other programs in the Justice System. More Native involvement, both at the community level and the service delivery level to ensure the recognition of Native culture in the programs.

4. Increased community based programs for crime prevention. The Native community must be an integral part of this and contribute to the program. The delivery service (ie. police) must respond to the community needs in this area.

5. Sports and recreational programs aimed at compensating for the lack of useful employment resulting from the high rate of economic distress. These programs are generally in the form of crime prevention on issues such as alcohol and drug abuse.

6. Diversionary measures to resolve community disputes including setting up a separate Native Criminal Justice System.

These Inquiries/Task Forces have all been very specific, as indeed is this Commission of Inquiry. As a result, the recommendations have been numerous and detailed but limited in scope. None of the previous studies, certainly those in Western Canada, have been broad enough to encompass the root causes of the problems faced by the Indians on the reserves. These causes must be cooperatively dealt with by the Federal, Provincial and Indian Governments.

The Commissioner is of the belief that to make recommendations on policing policy alone will result in only a short term advantage without an understanding of the broader picture, including a knowledge and appreciation of underlying causal issues.

If these basic problems are not identified and resolved on a holistic basis, all the individual initiatives resulting from the numerous investigations will only be stop-gap measures. These remedial measures will be handicapped from the start and destined to mediocrity if not out right failure, for many of the reasons spoken of in this Inquiry. Not the least of these reasons is the lack of participatory solution finding by all three levels of government.

This position is very clearly stated by Professor Alan Grant, Chairman of the report of the Osnaburgh-Windigo Tribal Council Justice Review Committee (July 31, 1990) when he stated:

> "It is impossible to examine how the justice system impacts on the First Nation communities without looking at the underlying issues."
>
> "Euro-Canadian concepts of law, justice and society differ markedly from those of First Nations and

> have clashed in a destructive way resulting in welfare dependency, unemployment, social disintegration and crime."

It is also of note that the Indian people themselves have not previously had direct and personal input, let alone equal input, into the many recommendations these Inquiries/Task Forces have made. Well meaning persons have dealt with the regional offices of the Department of Indian Affairs and Northern Development as though this department spoke for the Indian people. This Inquiry believes that, in the past, resolutions of problems have been handed to the Indian people without prior negotiation or consultation with them, thus dooming those resolutions, regardless of merit, to failure.

The Honourable Adrian Roden, Q.C. outlined in a paper (August 6, 1990) regarding the Royal Commission on Aboriginal Deaths in Custody In Australia, the following view on the lack of consultation with aboriginal people:

> "The irony is that many of the white community who took part in this assimilation process, dedicated themselves to the task, in the firm belief that they were helping the new generation of aboriginal people to a better life. Blindness to cultural needs of other communities is a common failing."

This is not the type of negotiation or consultation which these young and energetic Natives are demanding today. They are a distinct people in their own right. Granted, there are many different groups in this classification of people now defined by the Charter of Rights and Freedoms as aboriginal peoples. It will be difficult, if not impossible, to develop a single remedial policy. It may be impossible to arrive at a consensus between the diverse groups of the various organizations and confederacies let alone between the different tribes of Indians throughout the provinces and the territories and across Canada. It is, however, a situation to be recognized by the Federal and Provincial Governments if they are to negotiate with the various Native leaderships. They must mutually decide the issues, the solutions, and the implementation of the solutions. This will enable the Native people to take their rightful place in Canada.

It has been stated before that the political will, as voiced by the governments of Canada and the provinces, is to re-invest the Indians with "self-government". This is taken to mean giving back to the Indians their right to self-determination. By this process the Indians will recover their self respect. How this should be achieved or within what framework this should take place, has never been negotiated or agreed between the Federal, the Provincial and the Indian Governments. It has never been agreed upon as to what rights are to be returned, and what trade-off for such rights are appropriate, or even if there is a legitimate or acceptable trade-off available in such negotiations. The aboriginal people have had great difficulty in working with the federal and provincial authorities on a comprehensive basis to work out an agenda for reaching major agreements or interpretations which would be valid today.

The political will appears to be that the Indians should be allowed to realize their wish to be in control of their lives. To this end, they have been given the management of many of the federal programs. More recently the Chief and Council have been given complete control over such programs. They have, themselves, initiated many new programs. This is a partial step to self-determination, but it is restricted by the need to obtain final approval from the department, under the *Indian Act*.

The present *Indian Act* (as was the case with its predecessors) is not a satisfactory or constructive document for the purpose of granting self-government. Until very recently, this Federal Statute has ruled the lives of status Indians from cradle to grave. The Indians could really not do anything for themselves without the blessing and approval of the Minister of the department or his designates in almost every aspect of their lives. The Indian has often stated, from Vancouver Island to Prince Edward Island, that he cannot even pass a band resolution regulating dogs which is valid until it is subsequently approved by the Department of Indian Affairs.

Since the aboriginal people have been frustrated in their first priority, namely to enshrine Treaty and Aboriginal Rights in the Canadian Constitution, other alternatives are being sought and experimented with. In these alternative measures aimed at achieving self-government there is little, if any, conformity or consensus among the aboriginal people generally. This is even more pronounced in the Indian community across Canada, which is divided into non-status and status Indian communities. The status Indian community has a land base or reserve.

The *Indian Act* applies solely to this latter group which is a further obstacle when dealing with aboriginal people generally. The Department of Indian Affairs and Northern Development has taken steps to help this defined group of Indians achieve the right of self-government. To do this, the parties must negotiate within the framework of the current *Indian Act*.

The Department of Indian Affairs and Northern Development has undertaken to enter into sincere negotiations with those Indian Bands which desire to achieve self-determination within the meaning of what is now termed community self-government. The department has set out guidelines precedent to such negotiations, the main one being that there must be a referendum held on the reserve resulting in the majority of members indicating their desire to negotiate community self-government. Then, if the Band has not only sufficient resources but also has its finances in order, the next step of negotiations starts.

Once the Indian community has indicated this desire, the parameters of the negotiating process are developed by the department and the band who then negotiate a consensus. It is within this phase of the bi-party negotiations that the extent of self-determination is agreed upon. The Indian wishes to control all the agencies which are necessary to the community. In most instances he already has a good start in controlling areas such as education, health, protection, social services, but he does not control his financial resources or his land. The Department of Indian Affairs and Northern Development is selective in negotiating self-government by first requiring a band's finances to be in order, thereby demonstrating the band's ability to look after the financial affairs of its community. The poorer communities have been frustrated and they remain under the *Indian Act* as the poorest of relations in an outmoded statute.

The concept of poverty can also apply to Indian bands who do not have viable land bases for reserves. Reserve land is presently held in trust for the Indian people, in perpetuity. The band has no ability to deal with their land under the *Indian Act* without Ministerial approval. The Indians are not able to own their own individual land, nor are they able to pledge their land to obtain the financing for houses and other projects in the normal course of business. This has proved a tremendous handicap in providing members of the reserve with sufficient and adequate housing. It has been touched upon by Chief Fox in his testimony as being one of the major reasons for the Blood Indians leaving the reserve to obtain shelter in neighbouring communities.

Ownership of land is invariably part of the negotiations in achieving community self-government. Negotiations are required in order for the land to be released from its "trust conditions" and transferred to the band in fee simple. When this occurs, the band may then deal with the land in the normal course of business by leasing, encumbering and pledging it. In order for the band to sell any of its land the majority of the members must agree, which may yet prove to be a legal tangle. The ability of a land base to support an Indian band, via natural resources, is important when self-government is being negotiated. There are 30 Indian communities which have concluded negotiations and been given community self-government by parliament passing a separate federal statute for each such community. There are 29 communities which are in the framework stage, and 170 communities are in the stage of developing their applications.

The *Indian Act* has been derided by the Indian people for the many injustices implemented in its name, such as the residential schools, the pass system and the attempts to destroy Indian spirituality. The Indians have spoken out against the dependency they are subjected to under this Act.

The Commissioner perceives discrimination within the guidelines of the Act, based on wealth. The Indian wishes to finally achieve some level of self-government but is hampered by apparent potential discrimination and historical frustration. The *Indian Act* should, therefore, be drastically amended, if not altogether replaced, in consultation with the Indians and other aboriginal people. It is seen as an obstructive piece of legislation which circumvents the status Indian of really achieving his goal of self-determination.

The Commissioner of this Inquiry has only recently learned, with some satisfaction, of the Department of Indian Affairs and Northern Development's desire to set up a Committee to work with the Indians and attempt to reach a consensus in interpreting the Treaties compatible with today's insights. It is a most important initiative and is most strongly recommended and encouraged. Such discussions and negotiations should be participated in by the provincial authorities as of right in some areas and by blanket invitation in all other areas so that final consensus is truly tri-partite.

This initiative can be developed in the Province of Alberta by the Federal, Provincial and Indian Governments in a Standing Commission. The precedent of the Office of the Indian Commissioner of Ontario should be examined in depth and modified to apply to the Province of Alberta, if considered feasible.

It is the Commissioner's belief that such a Standing Commission would and could function within Section 35 of the *Charter of Rights and Freedoms* which states that "certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to any aboriginal peoples of Canada." It is noted that the Supreme Court of Canada decisions, now beginning to be published, indicate that historical perceptions of the Indian signatories of the Treaties are to be taken into account when interpreting the Treaties. This trend will no doubt continue.

The Standing Commission would be a forum to identify problems, arrive at a consensus for the resolution of these problems, and most importantly facilitate the implementation of such solutions. The proposed Standing Commission would be invaluable in many areas of concern which may be expressed by any of the parties involved. This status can most aptly be achieved with an open honest exchange of ideas and opinions where all parties are equal participants in a neutral setting.

This Standing Commission should identify:

i) What the Treaties mean today to each party and achieve a consensus which is acceptable to all;

ii) What is meant by "self-government";

iii) The approach and implementation so as to "tailor" any agreements to the "group" or "region" of consenting Indians.

An organizational structure similar to that proposed below would be appropriate for the Standing Commission.

1. A Commissioner considered by all parties as an independent and impartial chairperson.
2. A regional representative of the Department of Indian Affairs and Northern Development.
3. A representative of the Provincial Government of Alberta.
4. Representatives of the Alberta Indian organizations.
5. An Administrator.
6. Suitable secretarial staff.
7. Two Research Assistants (lawyers).
8. Funding for special research projects and consultant/ wage funds as required.

5.3 RECOMMENDATIONS

The Commissioner believes the following recommendations should not be viewed as attaching blame but instead should be seen as an attempt to find constructive solutions. As stated by the Honourable Adrian Roden, Q.C. in his paper (August 6, 1990) on Aboriginal Deaths in Custody in Australia:

> "It is easy, but rarely justified, to judge yesterday's conduct by today's enlightenment ... Those who condemn past generations on present standards, will doubtless themselves be condemned by generations to come."

5.3.1 PHASE I

1. *There is an urgent need to identify and implement an on-going cross-cultural training package that is relevant to the Blood Tribe for both non-Native and Native police officers.*

   The three police forces under discussion (Royal Canadian Mounted Police, Lethbridge City Police, Blood Tribe Police) could benefit from not only the content of the course but also from the interaction of colleagues in pursuing a common goal of delivering a sensitive, acceptable police service to the Blood Tribe community. It is this type of training which will foster mutual understanding and respect between the police officers from different cultures and geographic locations. This is important to the non-Native officer for on-reserve duties and for dealing with the Native in urban settings. It is also important for the Native police officer in dealing with his own people. Evidence from the Blood membership has indicated that many of their members, including Native police officers, are not fully familiar with their own culture and customs, including their Native language.

2. *There is a need for the respective Police Commissions and detachment commanders to mutually develop and deliver seminars or workshops aimed at providing information and insight for Blood Tribe members into the criminal justice system.*

The Lethbridge Community College may well be the vehicle to help establish, through mutual consultation and agreement, the framework for such workshops to explain to the Indian people the workings of the "white man's laws".

3. *The Blood Tribe, in conjunction with the relevant police forces, should endeavour to break the conduct or barrier of reticence that is shown by Native people in their dealings with the police forces generally and in specific cases.*

A full review of a case can minimize frustrations and lead to increased respect and acceptance between both Native and non-Native. The evidence has been clear that because of the history of interaction between the Natives and persons of authority, the Natives have become unwilling to fully communicate with such persons (ie. Royal Canadian Mounted Police).

Increased positive social interaction between police officers, police commission members and Blood Tribe leadership and members is necessary to rebuild trust and respect.

4. *Police should promptly review all concerns regarding missing persons, and promptly initiate the investigation of such missing persons.*

Failure to carry out this recommendation allows for a vacuum in which unfavourable conclusions may be drawn by the Native people. Such conclusions feed the rumour mill and such interpretation takes on the mantle of truth among the Natives.

The Commissioner notes that the taking of information on missing persons is presently a policy within the Royal Canadian Mounted Police but needs to be reinforced and brought to the attention of detachment commanders.

5. *The police service receiving the "complaint" of a missing person should resolve the jurisdictional question at the police level, rather than passing the complainant from service to service.*

The Commissioner is pleased that the Chief of Police for the City of Lethbridge has initiated a policy requiring every complaint to be taken. The jurisdictional responsibility will be resolved at a later date. This removes the frustrations of the complainant and should improve the current perception of the Lethbridge City Police Force by the Native.

6. *The police, in their final analysis of an investigation of a Sudden Death, should exercise great care in developing suitable scenarios to "close the file".*

   The objective of such investigations is not to develop a scenario to close the file, but rather to resolve the evidence to enable the families (in this Inquiry, the Natives) to draw the only "reasonable" conclusion. This would minimize the rumours which have caused such anguish among the bereaved families.

7. *The Fatality Review Board under the Fatality Inquiries Act must be very cautious in relying upon the "final scenario" assembled by police officers in deciding not to hold a Public Inquiry into a death.*

   The Commissioner believes it is imperative to carefully review the need for a Fatality Inquiry in Native deaths. A Public Inquiry is important to the Native as it gives certainty to the cause of death and identification of the victim. Another important function is to minimize the rumours.

8. *The Royal Canadian Mounted Police and Lethbridge City Police must establish and/or maintain appropriate and relevant mechanisms with the Blood Tribe for the notification of next of kin in Sudden Death cases. The Blood Tribe Police must be involved in these procedures.*

   The Commissioner was pleased to note the family debriefing process implemented during this Inquiry by the Royal Canadian Mounted Police and Lethbridge City Police after each Sudden Death, Native and non-Native. Families of deceased Blood Tribe members should be kept abreast of any ongoing investigations by the respective police members as a matter of course and courtesy.

9. *A more efficient procedure should be developed through the Chief Medical Examiner's Office, to notify the next of kin regarding the cause of death, especially in rural areas like the Blood Tribe Reserve.*

Discussions regarding such a procedure occurred between the Chief Medical Examiner and the Commissioner during the Public Hearings. The Chief Medical Examiner indicated a willingness to review this with the idea of developing a more reliable process that ensures communication in a more sensitive manner.

It is necessary to ensure that the next of kin be advised of the cause of death and this has proven ineffective in the past. The Native concept of next of kin is broader in scope than that of the white man's. Therefore, the Blood Tribe Police should be consulted in this regard. It is suggested that the police, as investigators to the Chief Medical Examiner's Office in rural areas, accept the final responsibility of notifying such next of kin since they usually are in contact with them.

10. *The policy of police forces regarding unconscious persons is to be adhered to in all cases.*

This will entail taking the person to a medical facility and obtaining a medical opinion on his/her condition prior to lodging the person in cells. If there is any doubt as to whether the individual is actually unconscious or only "passed out" from alcohol or other chemical substances, the police officer should obtain a medical opinion.

11. *The Chief Medical Examiner should re-emphasize diligence on the part of medical examiners in their classifications of deaths where medical conditions may have been masked by alcohol.*

12. *Pathologists, when they cannot find evidence of a cause of death, must exercise great care in coming to their conclusions, particularly if there has been alcohol consumed prior to death which would tend to mask other symptoms.*

Evidence before the Inquiry has shown that the Chief Medical Examiner has been fully aware of the problems regarding recommendations 11 and 12, but it is important to bring this to the attention of the pathologist and the medical examiner. Any uncertainty must be removed otherwise the next of kin will begin to speculate and doubts will become magnified.

13. *The Chief Medical Examiner should hold discussions with the police forces as to the desirability and feasibility of making the pathologist's report available to the police force concerned on a confidential basis.*

At present, the police information as to cause of death appears to come from the notes of the officer attending the post mortem examination by the pathologist. These are made from the running commentary of the pathologist and may not be really complete or reflected in the final certificate of death.

Information from the pathologist's report is vital to the police in conducting their inquiries and this final information would be most valuable to them.

5.3.2 PHASE II

The Cardston Blockade was examined in depth because it showed a polarization of the respective perceptions held by the Blood Tribe, Royal Canadian Mounted Police and the officials/citizens of Cardston. This situation became the classic example of how a relationship previously based on trust and respect was eroded by misunderstanding, misinterpretation and poor communication.

Each of the respective groups firmly believed that they were acting appropriately. Unfortunately, they were working at cross-purposes due to their erroneous perceptions of each other. The resulting confrontations and violence fostered feelings of distrust, frustration and dismay among all groups.

Recommendations which conceivably could have been developed from this phase of evidence will be included with those developed from the Phase III testimony.

5.3.3 PHASE III

14. *The Blood Tribe must be consulted by the police, whether Royal Canadian Mounted Police, Blood Tribe Police or both, to ascertain what model of policing service is expected by the community.*

In this fashion, the standard to be delivered will be established. It must be kept in mind that the Province of Alberta is responsible for the standard of justice by virtue of its overall responsibilities for the administration of justice and enforcement of the Criminal Code.

The forum in which this consultation would best occur is that of the Blood Tribe Police Commission.

15. *Federal, Provincial and Chief and Council representatives should resolve long term (minimum five years) funding guarantees for the Blood Tribe Police Force with provision for responsibility for any financial short-falls.*

Some considerations to be resolved and agreed to, without limiting the scope of these negotiations, would include:

i) Salary scale, on the basis of a comparative police force, including pension, medical insurance, liability insurance, etc. in the total pay package;

ii) Equipment for police and administrative staff, procurement and maintenance;

iii) Any other related specifics in the cost of operating a police force.

The Commissioner believes this is a step of utmost importance to ensure that this particular aspiration of the Blood Tribe to develop an accredited police force is attained.

The Blood Tribe Chief and Council need to recognize on an on-going basis the complexities of managing a stand alone police force. The commitment to having their own Police Force must be continuing and unfailing.

16. *Funds identified for the Blood Tribe Police Force, including the Blood Tribe Police facility, should be placed under the auspices and sole control of the Blood Tribe Police Commission.*

This structurally removes these funds from the competing priorities of other Blood Tribe departments that beset Chief and Council. It reinforces the independent role of the Police Commission as established by the Blood Tribe by-law. It will ensure stability and continuity of funding, thus enhancing the choice of "police officer" as a career by Blood Tribe members.

17. *The Blood Tribe Police Commission must assume its mandate for providing policy direction and approval of all fiscal matters for the Blood Tribe Police Force.*

It is unfortunate that the Commission was not appointed prior to the planning and development of the police force. It must work diligently to overcome this handicap and take charge. The Police Commission must not delegate any of its fiscal responsibilities to the Police Chief whose duty is to oversee the daily operations of the police force and to carry out the Police Commission directives.

18. *Capital expenses for present or future police facilities should be agreed upon in advance by the involved levels of government.*

This will remove the need for on-going fund raising for the facility. It will ensure the immediate construction as well as on-going maintenance and control costs. The suitability and usefulness of the present facility, almost completed, should be reviewed by the Blood Tribe Police Commission. Expertise present as advisory members to that Commission should be used to advise on any changes that may be required to upgrade the building. The additions to the building could be obtained from Kainai Industries in the opinion of the Commissioner and this possibility should be examined by the Police Commission.

19. *The Blood Tribe Police Commission should identify and explain to Blood Tribe members the respective types of offences that the Royal Canadian Mounted Police and the Blood Tribe Police will handle.*

This allocating of jurisdiction to enforce offences between the two police forces needs clarification on an on-going basis. The fullest cooperation is required. The advisory members of the Police Commission would be a good source of advice to assist the Police Commission to disseminate to the public such information.

20. *Seminars for the Police Commission members on their responsibilities and duties should be sponsored on an on-going and frequent basis by the Provincial Director of Law Enforcement.*

Such seminars would familiarize the Commissioners with their duties and obligations. It would keep currently serving Commissioners up-to-date on policing and teach newly appointed Commissioners their new responsibilities. This should be specific to the Blood Tribe or any other reserve. There should also be general seminars for all Native and Non-Native Police Commissions.

21. *The Provincial Director of Law Enforcement should provide frequent and regular supervision of Blood Tribe Police staffing with power to call upon the local Royal Canadian Mounted Police for specific guidance and training of the members of the Blood Tribe Police.*

The Blood Tribe Police is being phased into an accredited police force. The local Detachment of the Royal Canadian Mounted Police is part of Lethbridge Subdivision and, therefore, part of 'K' Division. Field training, including co-patrols, had previously been arranged with the Royal Canadian Mounted Police, after training was completed at the Department of the Solicitor General Academy. This must be continued throughout the whole of the transition period. The cooperation between the Royal Canadian Mounted Police and the Blood Tribe Police is good, but it is suspected that a certain amount of pride on either side might slow the process. The Director of Law Enforcement should be able to deal immediately and directly with the local police forces to facilitate the process.

22. *The "on-site" representative of the Director of Law Enforcement should remain in place as a consultant to the Blood Tribe Police Force.*

This has provided a stable and practical resource for the Blood Tribe Police. It is necessary for the Blood Tribe Police to obtain or develop its own management and police expertise so as to pursue its goal of a stand alone accredited police force. The presence of this "on-site" representative is the stabilizing influence in this process. The position should be maintained on an indefinite basis after consultation with the Police Commission and with the approval of Chief and Council.

23. *The recruitment of Blood Tribe Police officers should be conducted in an objective and impartial manner, preferably based on a point scale system.*

    This will remove the potential charges of nepotism and increase the credibility of the police officers and the force. Employment of Blood members is a very important consideration. However, the Police Commission must not use the recruiting of police officers as a stop gap employment measure, but rather as a way of acquiring career police officers.

24. *Priority should be given to continuous recruiting and access to on-going recruit training for Blood Tribe Police officer candidates.*

    This should occur in response to the routine attrition of positions on the force. It is absolutely necessary to ensure that trained replacements are available. This is important in maintaining an accredited police force, let alone one that is striving for this recognition.

25. *There should be a continuing education program sponsored by the Police Commission and Chief and Council to enable Blood Tribe Police Force members to upgrade themselves academically and professionally.*

    It is recognized that this is a very important consideration in maintaining a professional police force. It will provide an incentive for the dedicated police officer to advance his/her career.

    Workshops could be used to provide Native and non-Native police officers the latest information on police procedures/techniques so as to ensure all respective police forces are operating with the same knowledge base.

26. *The Blood Tribe Police Commission should initiate a review of staffing within the Blood Tribe Police Force to ensure that the personnel are appropriately suited to their respective positions.*

The intent of this recommendation is to have the Police Commission review whether staff have the competence and necessary skills to carry this police force through to accreditation and a stand alone status. Part of this process is to ensure that all job descriptions are completed in writing and are updated as required.

27. *Continued involvement of a liaison officer should occur between the Royal Canadian Mounted Police and the Blood Tribe Police Force as part of the latter's transition to a stand alone accredited police force.*

The Commissioner is pleased with the re-introduction of a Royal Canadian Mounted Police liaison officer position assigned to provide services on the Blood Tribe Reserve. It is hoped that a seasoned officer will be retained in this position to assist in bridging the knowledge-/culture gap.

The position is important today in the Blood Tribe Police transition stage but remains a priority even when the Blood Tribe Police become an accredited police force. The Royal Canadian Mounted Police will retain its back-up role as the Provincial Police Force. This position is more than a "messenger" service, it should be a "seconded" position of actual and practical assistance in ensuring that this police project succeeds.

28. *A sub-detachment or satellite office comprised of Royal Canadian Mounted Police Officers should be established on the Blood Reserve to provide continuous "on-site" visibility.*

Notwithstanding the view, by some, of the negative features of dual policing, the Commissioner believes there will be an element of dual policing until the Blood Tribe Police is a stand alone force. This is the price which must be paid to provide the type of services which meet the cultural needs of this community. The Royal Canadian Mounted Police will continue to provide a back-up capability as it does for other community police forces. This will enhance the opportunity of increasing communications and mutual understanding.

29. *The Lethbridge Community College should consider setting a quota for Native students in its courses for police candidates.*

This would assist in developing a pro-active approach to encourage Native students to join the Law Enforcement Program. If efforts to fill the available Native quota are unsuccessful, then the college would fill this quota with non-Native applicants. This is the approach used at most colleges and universities. It would emphasize the importance of providing for Native inclusion in the education system.

The Commissioner is pleased that the Program Chairman is actively pursuing initiatives to encourage more Native participation in the Law Enforcement Program. If such space was provided for Native students, then police forces such as the Lethbridge City Police who rely on such graduates for their recruiting, would be better able to achieve their own "quotas" of Native police officers.

30. *Lethbridge Community College should devise programs to educate the predominant population which comes into contact with the Indians in the specific aspects of the Blood culture.*

Lethbridge Community College could take a leading role in such an endeavour to work at bridging the cultural differences by enlightening the white population, and opening lines of communication between the different cultures on an equal and open basis.

Consultations with Blood Tribe leaders and respected Elders should occur in developing such programs.

Lethbridge Community College is developing/proposing a course on the Blood and Peigan cultures. The Commissioner supports such a proposal through the College or, if required, by the respective police forces. It must be specific to the culture of the Bloods for the Blood Reserve, with changes if necessary for the Peigan Reserve.

31. *Consideration should be given to initiating a recruiting office within the Lethbridge City Police Department to interface more closely with the City of Lethbridge Personnel Department.*

This would enable the police to be more effective in pro-actively recruiting candidates from minority groups. The police would be better able to respond to their own needs if they had more control of the recruiting process.

32. *The Blood Tribe should consider the development, in concert with the Royal Canadian Mounted Police, of a formal citizens advisory group which would reflect the community's perception of how it is being policed.*

Such a group could be comprised of the following members:

i) An elected Council member;

ii) A community Elder;

iii) A Native women's representative;

iv) The Detachment Commander of the Royal Canadian Mounted Police;

v) The chairperson of the Blood Tribe Police Commission.

This would assist the Police Commission in keeping abreast of Blood Tribe opinion.

This process of equal consultation is most important. Until now the standards of service delivered have been the sole prerogative of the Royal Canadian Mounted Police. It is a good example of the fact that even the most admirable solution thrust upon or given to the Blood members will not receive their whole-hearted cooperation because they had no voice in identifying the problem and working out the resolution.

33. *Consideration should be given to establishing a Provincial Native Police Commission under an independent chairperson to assist in the resolution of policing issues and setting of minimum police force standards*

The Commission should involve representatives of the Federal, Provincial and Indian Governments. It would monitor the development of police projects and help the local or regional Native Police Commissions to achieve their goals in policing for the Native population. This would include helping a Native Police Force seek accreditation.

The Blood Tribe Police Commission would not be deprived of its legitimate control over daily operations, recruitment, policy setting, crime prevention community programs or funding considerations for the Blood Tribe Police Force.

34. *The Royal Canadian Mounted Police should further review the relative strengths in the Ontario approach to provincial police/Native police relationships regarding self-policing models.*

This relationship was favourably reviewed by Assistant Commissioner R. H. Head in that:

> "it offers the local bands some input and some "ownership" in their policing program."

The Commissioner is aware of and supports the initiative taken by the Royal Canadian Mounted Police Headquarters in seconding a Liaison Officer to work within the Ontario Provincial Police Headquarters - Contract Policing Section. The resulting additional knowledge and expertise may be of value to 'K' Division contract policing personnel in consultation with the respective Natives.

RECOMMENDATIONS ARISING FROM MATTERS BEYOND THE TERMS OF REFERENCE OF THE INQUIRY

Many of the recommendations made by the Commissioner deal only with symptoms. Recommendations which deal with the underlying issues and problems, will have to be bold and innovative and in consultation/negotiation with the Natives.

35. *Consideration should be given to the establishment of a Standing Commission involving representatives of the three levels of government, being the Federal, Provincial and Indian Governments, under an independent chairperson whose mandate is dispute resolution in an open exchange of ideas where all parties are equal participants.*

The Standing Commission would be a forum to identify problems, develop resolutions and facilitate implementation of such resolutions. It would entertain issues on a regional or provincial concern in any area proposed by the representative parties. The more basic or causal issues could be examined, such as the issue of self-government. The Office of the Indian Commissioner of Ontario could be a valuable resource in the development not only of the Commission structure but also in operationalizing its dispute resolution mandate.

36. *There should be either a drastic change or a replacement of the Indian Act in consultation with the Indians.*

The Department of Indian Affairs and Northern Development has entered into negotiations with Indian bands for community self-government within the framework of the current *Indian Act* and associated statutes. The *Indian Act*, however, is perceived as an obstacle to the status Indians' desire to achieve independence and self-determination and, in fact, excludes other aboriginal groups from these negotiations.

Criteria for the individual bands negotiating the status of community self-government is considered discriminatory by the Commissioner because of the guidelines set up by the Federal Government. Achieving this status depends in part on establishing sound fiscal management, but primarily it depends on the wealth of the band, both in natural resources and finances. This discriminates against the more impoverished bands.

The *Indian Act* has governed the lives of successive generations of Indians. Negative measures such as residential schooling, the pass system and the attempted destruction of Indian spirituality have fostered a distrust and anger towards the *Indian Act*.

The perceived discrimination and the negative emotions created by this Act are considered by the Commissioner to be a serious obstacle hampering any negotiations. It is believed negotiation between the Federal, Provincial and Indian Governments outside the *Indian Act* is necessary in order to reach mutually constructive resolutions.

6. APPENDICES

APPENDIX A ... Order-in-Council and Terms of Reference 217
APPENDIX B ... Public Notifications of Commission of Inquiry 220
APPENDIX C ... Guidelines for Print and Electronic Media 222
APPENDIX D ... Public Hearings - Location and Hearing Dates 223
APPENDIX E ... Represented Parties and Counsel 225
APPENDIX F ... List of Exhibits 227
APPENDIX G ... List of Witnesses 246
APPENDIX H ... Lists of Deaths Examined by Commission Counsel and Proposed Action 266
APPENDIX I ... List of Deaths Examined in Open Hearings 274
APPENDIX J ... Persons/Agencies Providing Information Not Heard in Open Hearings 275
APPENDIX K ... Rulings Made During the Inquiry 280
APPENDIX L ... Staffing of the Alberta Medical Examiner System 284
APPENDIX M... Copy of Treaty Seven (1877) and Copy of Treaty With the Blood Tribe (1883) 286

APPENDIX A

ORDER-IN-COUNCIL AND TERMS OF REFERENCE

Alberta
ORDER IN COUNCIL

APPROVED AND ORDERED,

LIEUTENANT GOVERNOR

O.C. 160/89

March 2, 1989

EDMONTON, ALBERTA

Whereas it is expedient and in the public interest to cause an inquiry to be made into and concerning the matters hereinafter set out; and

Whereas the matters hereinafter set out are matters of public concern:

Therefore, upon the recommendation of the Honourable the Solicitor General, the Lieutenant Governor in Council, pursuant to the Public Inquiries Act, appoints His Honour C. H. Rolf, Assistant Chief Judge of The Provincial Court of Alberta, as a Commissioner to inquire into the matters set out in the Terms of Reference in the Appendix.

CHAIRMAN

Certified a True Copy

Clerk of the Executive Council

1 The Terms of Reference of the Commissioner are as follows:

The Commissioner shall, to the extent possible, inquire into and report on policing in relation to the Blood Tribe and in particular:

(a) inquire into the treatment by the police of members of the Blood Tribe when they are arrested and detained prior to speaking to legal counsel or prior to appearing before a Hearing Officer or before a Judge;

(b) inquire into how the police verify the accuracy of information upon which a charge is based prior to an investigating police officer recommending that charges be laid against members of the Blood Tribe;

(c) inquire into the treatment by the police of relatives of members of the Blood Tribe in those situations where the police make contact with and question relatives following the death of a member of the Blood Tribe and during police investigations into matters that could lead to charges against members of the Blood Tribe;

(d) inquire into how the police have investigated the deaths of members of the Blood Tribe, in those situations where the deaths are not by natural causes or are of a suspicious nature, or when the cause of death is not conclusive;

(e) inquire into the thoroughness of any police investigation into any prior death of a member of the Blood Tribe that occurred off the Blood Reserve, which in the opinion of the Commissioner was not previously thoroughly investigated;

(f) inquire into whether there was any bias during any aspect of any police investigation into any prior off-Reserve death of a member of the Blood Tribe once it was established that the victim was a member of the Blood Tribe; and, whether there was a bias that influenced the manner in which the death was investigated by the police or the priority given to the death by the police;

(g) inquire into the adequacy of policing provided on the Blood Reserve both by the RCMP and the Blood Tribe Police Force, as presently constituted;

(h) inquire into the level of knowledge of police officers of native culture generally and more particularly their awareness of the Blood Tribe culture;

(i) inquire into the effectiveness of existing communications between the Blood Tribe leaders and members and the police forces;

(j) inquire into any perceptions that Blood Tribe members have of the police forces and any perceptions that the police forces have of Blood Tribe members, and how these perceptions affect the relationship and interaction between police officers and members of the Blood Tribe;

(k) inquire into any other matter, as determined by the Commissioner, that is directly related to the above described areas and that could facilitate this inquiry.

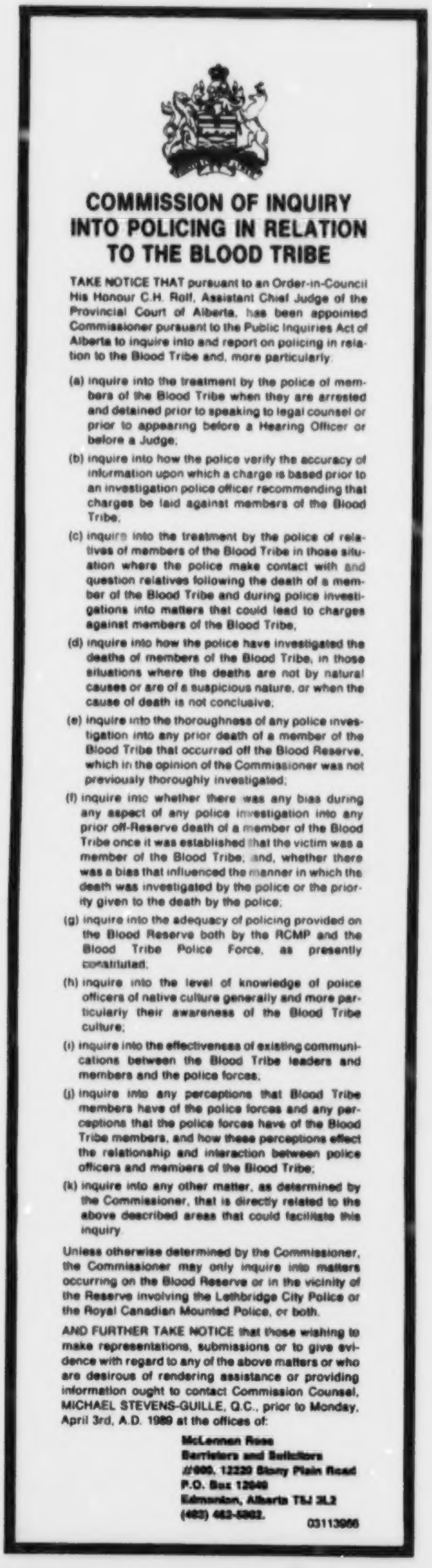
2 Unless otherwise determined by the Commissioner, the Commissioner may only inquire into matters occurring on the Blood Reserve or in the vicinity of the Reserve involving the Lethbridge City Police or the Royal Canadian Mounted Police, or both.

APPENDIX B - 1

PUBLIC NOTIFICATION OF COMMISSION OF INQUIRY

ESTABLISHMENT OF COMMISSION

Calgary Herald - March 11/89, March 18/89
Calgary Sun - March 12/89, March 19/89
Cardston Chronicle - March 14/89, March 21/89
Fort MacLeod Gazette- March 15/89, March 22/89
Kainai News - March 15/89, March 22/89
Lethbridge Herald - March 11/89, March 18/89



COMMISSION OF INQUIRY INTO POLICING IN RELATION TO THE BLOOD TRIBE

TAKE NOTICE THAT pursuant to an Order-in-Council His Honour C.H. Rolf, Assistant Chief Judge of the Provincial Court of Alberta, has been appointed Commissioner pursuant to the Public Inquiries Act of Alberta to inquire into and report on policing in relation to the Blood Tribe and, more particularly:

(a) inquire into the treatment by the police of members of the Blood Tribe when they are arrested and detained prior to speaking to legal counsel or prior to appearing before a Hearing Officer or before a Judge;

(b) inquire into how the police verify the accuracy of information upon which a charge is based prior to an investigation police officer recommending that charges be laid against members of the Blood Tribe;

(c) inquire into the treatment by the police of relatives of members of the Blood Tribe in those situation where the police make contact with and question relatives following the death of a member of the Blood Tribe and during police investigations into matters that could lead to charges against members of the Blood Tribe;

(d) inquire into how the police have investigated the deaths of members of the Blood Tribe, in those situations where the deaths are not by natural causes or are of a suspicious nature, or when the cause of death is not conclusive;

(e) inquire into the thoroughness of any police investigation into any prior death of a member of the Blood Tribe that occurred off the Blood Reserve, which in the opinion of the Commissioner was not previously thoroughly investigated;

(f) inquire into whether there was any bias during any aspect of any police investigation into any prior off-Reserve death of a member of the Blood Tribe once it was established that the victim was a member of the Blood Tribe; and, whether there was a bias that influenced the manner in which the death was investigated by the police or the priority given to the death by the police;

(g) inquire into the adequacy of policing provided on the Blood Reserve both by the RCMP and the Blood Tribe Police Force, as presently constituted;

(h) inquire into the level of knowledge of police officers of native culture generally and more particularly their awareness of the Blood Tribe culture;

(i) inquire into the effectiveness of existing communications between the Blood Tribe leaders and members and the police forces;

(j) inquire into any perceptions that Blood Tribe members have of the police forces and any perceptions that the police forces have of the Blood Tribe members, and how these perceptions effect the relationship and interaction between police officers and members of the Blood Tribe;

(k) inquire into any other matter, as determined by the Commissioner, that is directly related to the above described areas that could facilitate this inquiry.

Unless otherwise determined by the Commissioner, the Commissioner may only inquire into matters occurring on the Blood Reserve or in the vicinity of the Reserve involving the Lethbridge City Police or the Royal Canadian Mounted Police, or both.

AND FURTHER TAKE NOTICE that those wishing to make representations, submissions or to give evidence with regard to any of the above matters or who are desirous of rendering assistance or providing information ought to contact Commission Counsel, MICHAEL STEVENS-GUILLE, Q.C., prior to Monday, April 3rd, A.D. 1989 at the offices of:

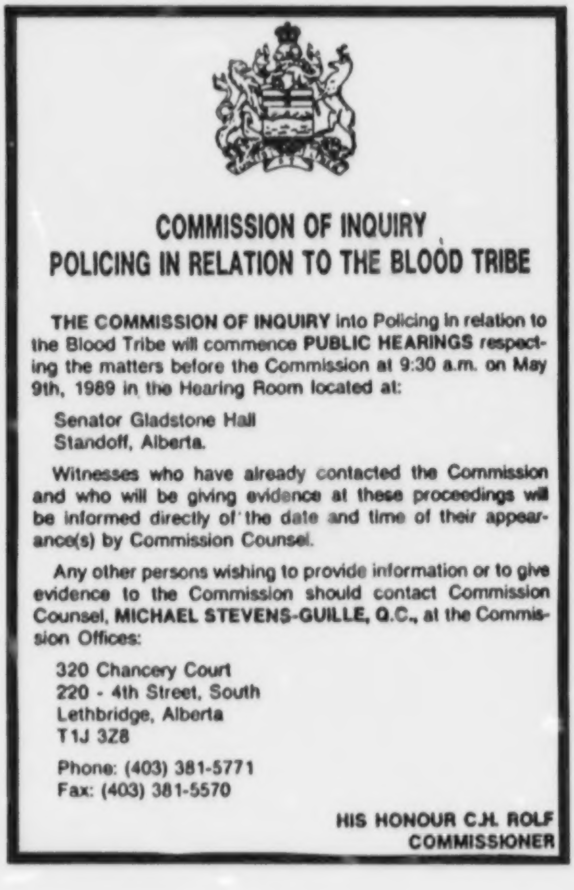
McLennan Ross
Barristers and Solicitors
#600, 12220 Stony Plain Road
P.O. Box 12040
Edmonton, Alberta T5J 3L2
(403) 482-5902.

03113966

APPENDIX B - 2

PUBLIC NOTIFICATION OF COMMISSION OF INQUIRY

NOTIFICATION OF HEARINGS



COMMISSION OF INQUIRY POLICING IN RELATION TO THE BLOOD TRIBE

THE COMMISSION OF INQUIRY into Policing in relation to the Blood Tribe will commence **PUBLIC HEARINGS** respecting the matters before the Commission at 9:30 a.m. on May 9th, 1989 in the Hearing Room located at:

Senator Gladstone Hall
Standoff, Alberta.

Witnesses who have already contacted the Commission and who will be giving evidence at these proceedings will be informed directly of the date and time of their appearance(s) by Commission Counsel.

Any other persons wishing to provide information or to give evidence to the Commission should contact Commission Counsel, **MICHAEL STEVENS-GUILLE, Q.C.**, at the Commission Offices:

320 Chancery Court
220 - 4th Street, South
Lethbridge, Alberta
T1J 3Z8

Phone: (403) 381-5771
Fax: (403) 381-5570

HIS HONOUR C.H. ROLF
COMMISSIONER

Calgary Herald	-	April 8/89, April 15/89, April 22/89
Calgary Sun	-	April 9/89, April 16/89, April 23/89
Cardston Chronicle	-	April 11/89, April 18/89
Edmonton Journal	-	April 8/89, April 15/89, April 22/89
Edmonton Sun	-	April 9/89, April 16/89, April 23/89
Fort MacLeod Gazette	-	April 12/89, April 19/89
Kainai News	-	April 12/89, April 19/89
Lethbridge Herald	-	April 8/89, April 15/89, April 22/89

APPENDIX C

GUIDELINES FOR PRINT AND ELECTRONIC MEDIA

1. Requests for information, or interviews with any Commission Staff respecting the Inquiry shall be directed to the Commission Administrator.
2. Any concerns which arise shall be directed to the Commission Administrator.
3. One copy of the daily written hearing transcript shall be made available at the Hearing. Availability times may vary, dependent upon the Court Reporters. The transcript is not to be taken from the area it is located in. Duplication or photocopying of the transcript, in part or in whole, is not allowed.
4. Witness lists shall be provided to ensure accuracy in names and for scheduling purposes.
5. Media should not request access to exhibits from the Court Clerk directly. Such requests should be to the Commission Administrator, when available at the hearings or through Associate Commission Counsel. Arrangements will then be made for copies, where feasible.
6. The media is to respect either the Commission or witness request not to film or take photographs.
7. Only one fixed video camera and one still camera shall be allowed to operate within the hearing room. Arrangements for "pooling" of resources and film/photographs is the responsibility of the media.
8. No microphones or tape recorders are to be used in the hearing room. Tape recorders plugged into an audio feed off the master sound board are acceptable.
9. Telephones or telephone jacks are not available for use at Senator Gladstone Hall. Alternate arrangements will have to be the responsibility of the media.
10. Space for media personnel and their equipment shall be supplied within the hearing area/room. Equipment shall include that required for immediate use (eg. camera, Video Recorder).

APPENDIX D

PUBLIC HEARINGS - LOCATION AND HEARING DATES

	Standoff (Senator Gladstone Hall)	Lethbridge
1989		
MAY	9, 10, 11, 12, 15, 16, 17, 18, 31	
JUNE	1, 2, 27, 28, 29	
JULY	26, 27	5, 6, 7, 11, 12, 13, 18, 19, 20, 25
AUG.	9, 10, 11	14, 15, 16, 17
SEPT.	19, 20, 26, 27	12, 13, 14, 18
OCT.	11, 12, 13, 17 18, 19, 24	25, 26, 27, 30, 31
NOV.		1, 2, 7, 8, 9, 14, 15, 16, 17, 21,
22		

	Standoff **(Senator Gladstone Hall)**	**Lethbridge**
1990		
JAN.		8, 15, 16, 17, 18, 23, 24, 25, 29, 30,
31		
FEB.		1, 5, 6, 7, 8, 14
MAR.		20, 22, 26, 27, 28
	(St. Mary's High School)	
OCT.	3, 4	

APPENDIX E

REPRESENTED PARTIES AND REGISTERED COUNSEL

Representing	Counsel
Commission Counsel	M. G. Stevens-Guille, Q.C. R. M. Kruhlak M. G. Crighton
Government of Alberta	J. S. Koval, Q.C. J. M. Langston, Q.C. E. J. Coughlan
Blood Tribe Counsel	C. D. Evans, Q.C. J. D. Bascom E. J. Creighton
City of Lethbridge	R. P. M. North, Q.C. M. J. Dimnik D. S. Hudson D. R. Lint
Federal Government, Royal Canadian Mounted Police	I. G. Whitehall, Q.C. G. Bourgard A. G. McNab
Royal Canadian Mounted Police Members	J. B. Malone, Q.C. B. D. Newton

Representing	Counsel
Counsel for Individual Witnesses	
Lorna Spear Chief (Lenora Ann Sinclair)	A. N. Larson
Walter Good Dagger	A. N. Larson
Dr. Van Orman	T. Matkin
Jessie McKay/Dr. Low/ Cardston Municipal Hospital	A. Fradsham
Steven White Quills	A. N. Larson
Edward Eagle Plume	A. N. Larson

APPENDIX F

EXHIBITS

Exhibit	Date Entered	Description
1	May 9, 1989	Certified Copy of Order-in-Council 160/89 Topic: Terms of Reference
2	May 9, 1989	Advertisements regarding Commission Terms of Reference and Commencement of Hearings.
3	May 9, 1989	Series of Aerial Photographs depicting population Centres on the Blood Reserve - Lower Standoff, Moses Lake, Lavern and Little Chicago. Topic: Policing on the Blood Reserve
4	May 9, 1989	Folder entitled Detachment Boundaries Bordering the Blood Indian Reserve. Topic: Policing on the Blood Reserve - Detachment Boundaries
5	May 10, 1989	Continuation Report regarding Missing Person, December 16, 1986 - January 15, 1987. Topic: Sudden Death - Travis John MANY GREY HORSES
6	May 10, 1989	Continuation Report re Missing Person - January 20, 1987 - February 6, 1987. Topic: Sudden Death - Travis John MANY GREY HORSES

Exhibit	Date Entered	Description
7	May 10, 1989	Continuation Report Topic: Sudden Death - Travis John MANY GREY HORSES
8	May 10, 1989	Continuation Report March 3, 1987 - April 13, 1987 - Missing Person. Topic: Sudden Death - Travis John MANY GREY HORSES
9	May 10, 1989	Memorandum re Missing Person Report, Travis John Many Grey Horses alias McHugh. Topic: Sudden Death - Travis John MANY GREY HORSES
10	May 10, 1989	Telex re Travis John Many Grey Horses - Missing Person. Topic: Sudden Death - Travis John MANY GREY HORSES
11	May 10, 1989	Telex re Missing Person - Travis John Many Grey Horses. Topic: Sudden Death - Travis John MANY GREY HORSES
12	May 11, 1989	Continuation Report, May 15, 1988 - June 1, 1988. Topic: Sudden Death - Travis John MANY GREY HORSES
13	May 11, 1989	Excerpt from Picture Butte Detachment File relating to the Investigation into the Death of Travis John Many Grey Horses Topic: Sudden Death - Travis John MANY GREY HORSES
14	May 11, 1989	Preliminary Report of Death completed by Constable Gawthrop. Topic: Sudden Death - Travis John MANY GREY HORSES

Exhibit	Date Entered	Description
15	May 15, 1987	Treaty No. 7 Topic: History/Background
16	May 16, 1989	Medical Examiner File re Alvin Shot Both Sides Topic: Sudden Death - Alvin SHOT BOTH SIDES
16A	May 16, 1989	One page excerpt from Medical Examiner File. Topic: Sudden Death - Alvin SHOT BOTH SIDES
17	May 16, 1989	Booklet of 13 Photographs Topic: Sudden Death - Alvin SHOT BOTH SIDES
18	May 17, 1989	Booklet of Photographs regarding Cedric Morning Owl. Topic: Sudden Death - Cedric MORNING OWL
19	May 17, 1989	Medical Examiner File concerning the death of Cedric Morning Owl Topic: Sudden Death - Cedric MORNING OWL
20	May 17, 1989	Diagram drawn by Holberton, May 2, 1989. Topic: Sudden Death - Cedric MORNING OWL
21	May 18, 1989	Photograph of the Necklace worn by Travis Many Grey Horses Topic: Sudden Death - Travis John MANY GREY HORSES
22	June 1, 1989	Excerpts from RCMP File regarding its investigation into the death of Travis Many Grey Horses Topic: Sudden Death - Travis John MANY GREY HORSES
23	June 1, 1989	Portion of RCMP Policy Manual regarding investigations into Human Deaths Topic: Sudden Death Investigations

Exhibit	Date Entered	Description
24	June 27, 1989	Taped Interview, Clayton Morning Owl, Michelle Crighton and Dorothy First Rider Topic: Sudden Death - Cedric MORNING OWL
25	June 27, 1989	Dr. Dobie's Copy of Medical Examiner File, Christopher George Twigg Topic: Sudden Death - Christopher George TWIGG
26	June 28, 1989	Excerpt from Fatality Inquiry into the Death of Christopher Twigg. Topic: Sudden Death - Christopher George TWIGG
27	June 28, 1989	Eight photographs entered at Fatality Inquiry into the Death of Christopher Twigg. Topic: Sudden Death - Christopher George TWIGG
28	June 28, 1989	Medical Examiner File re Christopher Twigg Topic: Sudden Death - Christopher George TWIGG
29	June 28, 1989	Two aerial photographs of the Sewage Plant Topic: Sudden Death - Christopher George TWIGG
30A	June 28, 1989	Photograph of the Hospital in August of 1977 (with one car) Topic: Sudden Death - Christopher George TWIGG
30B	June 28, 1989	Photograph of the Hospital in August of 1977 (with several cars) Topic: Sudden Death - Christopher George TWIGG
31	June 28, 1989	Map of Fort MacLeod Topic: Sudden Death - Christopher George TWIGG

Exhibit	Date Entered	Description
32	June 29, 1989	Map of Fort Macleod (1979) Topic: Sudden Death - Christopher George TWIGG
33	June 29, 1989	23 Photographs of old hospital site, sewage treatment plant, area surrounding treatment plant, etc. Topic: Sudden Death - Christopher George TWIGG
34	July 5, 1989	Lethbridge City Police File regarding its investigation into the death of Ivan Gary Chief Moon Topic: Sudden Death - Ivan Gary CHIEF MOON
35	July 5, 1989	Booklet of Photographs Topic: Sudden Death - Ivan Gary CHIEF MOON
36	July 5, 1989	Diagrams prepared by Constable Townsend depicting the Whoop-Up Drive Bridge and the location of the body. Topic: Sudden Death - Ivan Gary CHIEF MOON
37	July 7, 1989	Medical Examiner File with respect to Travis Many Grey Horses Topic: Sudden Death - Travis MANY GREY HORSES
38	July 12, 1989	RCMP Cardston Detachment File regarding investigation into the death of Ivan Gary Chief Moon. Topic: Sudden Death - Ivan Gary CHIEF MOON
39	July 13, 1989	Medical Examiner File (Continuing Documents #400125 - #400205) Topic: Sudden Death - Ivan Gary CHIEF MOON

Exhibit	Date Entered	Description
40	July 18, 1989	Medical Examiner File (Containing Documents #400539 - #400582) Topic: Sudden Death - Alvin STANDING ALONE
41	July 19, 1989	Excerpts form Lethbridge City Police Department File. Topic: Sudden Death - Alvin STANDING ALONE
42	July 19, 1989	Photographs of Deceased and Scene Topic: Sudden Death - Alvin STANDING ALONE
43	July 19, 1989	Transcript of Preliminary Inquiry - Accused Tryone Goodrider (Note: Inquiry and Judge received copies with name of Accused blacked out). Topic: Sudden Death - Alvin STANDING ALONE
44	July 25, 1989	Excerpts from R.C.M. Police Files Topic: Sudden Death - Mike EAGLE BEAR
45	July 25, 1989	Bundle of Photographs Topic: Sudden Death - Mike EAGLE BEAR
46	July 26, 1989	Trial Transcript in two Volumes, R. v. Carl Vincent Goodrider Topic: Sudden Death - Mike EAGLE BEAR NOTE: Name of accused in copies of Exhibit retained by the Inquiry/Commissioner blacked out.
47	August 9, 1989	Standard Forms used by Office of the Medical Examiner Topic: Investigation of Sudden Deaths (General)
48	August 10, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Dennis BAD MAN

Exhibit	Date Entered	Description
49	August 10, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Maggie PANTHER BONE
50	August 11, 1989	Excerpts from Medical Examiner's File Topic: Limited Review - Sudden Death - Ruth DAY RIDER
51	August 11, 1989	Excerpts from Medical Examiner's File Topic: Limited Review - Sudden Death - Clara DAY RIDER
52	August 11, 1989	Excepts from Medical Examiner's File Topic: Limited Review - Sudden Death - Agnes DAY RIDER
53	August 14, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Mike EAGLE BEAR
54	August 14, 1989	Letter, Dr. MacKay to Dr. Currie, June 2, 1983 regarding the brain of Michael Eagle Bear Topic: Sudden Death - Mike EAGLE BEAR
55	August 14, 1989	2 Diagrams of brain and skull Topic: Sudden Death - Mike EAGLE BEAR
56	August 14, 1989	Transcript of Preliminary Inquiry, July 13 - 15, 1989, R. v. Good Rider Topic: Sudden Death - Mike EAGLE BEAR
57	August 15, 1989	Excerpts from Cardston Hospital Files Topic: Sudden Death - Mike EAGLE BEAR
58	August 17, 1989	Statement of Penny Lea Many Guns Topic: Sudden Death - Travis MANY GREY HORSES
59	Sept. 12, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Irvine YELLOW FEET

Exhibit	Date Entered	Description
60	Sept. 12, 1989	Transcript of Fatality Inquiry held August 20, 1984 Topic: Sudden Death - Irvine YELLOW FEET
61	Sept. 12, 1989	Exhibit 2 entered at Fatality Inquiry - Report of Board of Inquiry, Lethbridge Correctional Centre Topic: Sudden Death - Irvine YELLOW FEET
62	Sept. 12, 1989	Entries made in Prisoner's Log maintained by Matron Odell April 16, 1983 Topic: Sudden Death - Mike EAGLE BEAR
63	Sept. 14, 1989	Excerpts from Medical Examiner's File re Dora Big Sorrel Horse Topic: Limited Review - Sudden Death - Robert & Dora BIG SORREL HORSE
64	Sept. 14, 1989	Excerpts from Medical Examiner's File re Robert Big Sorrel Horse Topic: Limited Review - Sudden Death - Robert & Dora BIG SORREL HORSE
65	Sept. 14, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Alvin BLACK WATER
66	Sept. 14, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Alphonse MANY GREY HORSES
67	Sept. 14, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Brian C. MANY BEARS
68	Sept. 14, 1989	Graph and Chart, "Blood Tribe Deaths, 1975 to 1987". Topic: Investigation of Sudden Deaths (General)
69	Sept. 14, 1989	Chart, "Alcohol Statistical Study - Blood Indian Tribe v. Lacombe, Alberta". Topic: Investigation of Sudden Deaths (General)

Exhibit	Date Entered	Description
70	Sept. 18, 1989	RCM Police Missing Person File Topic: Sudden Death - Brian C. MANY BEARS
71	Sept. 18, 1989	RCM Police MVA File Topic: Sudden Death - Brian C. MANY BEARS
72	Sept. 18, 1989	Bundle of Photographs relating to RCM Police Investigation Topic: Sudden Death - Brian C. MANY BEARS
73	Sept. 18, 1989	Blood Tribal Police Occurrence Report Topic: Sudden Death - Brian C. MANY BEARS
74	Sept. 20, 1989	Statement of Daryl Keller Topic: Sudden Death - Ivan Gary CHIEF MOON
75	Sept. 20, 1989	Article from the Calgary Sun, July 21, 1989 Topic: Sudden Death - Ivan Gary CHIEF MOON
76	Sept. 20, 1989	Transcript of Fatality Inquiry into the Death of Dennis John Bad Man Topic: Sudden Death - Dennis John BAD MAN
77	Sept. 26, 1989	Bundle of Statements given by Walter Good Dagger to the RCM Police Topic: Sudden Death - Mike EAGLE BEAR
78	Sept. 26, 1989	Excerpts from RCM Police Files Control Topic: Sudden Death - Dennis John BAD MAN
79	Sept. 26, 1989	RCM Police Photographs of the Bad Man Residence and Cardston Cells. Topic: Sudden Death - Dennis John BAD MAN

Exhibit	Date Entered	Description
80	Sept. 27, 1989	Out-Patient Forms from Cardston Municipal Hospital Topic: Sudden Death - Dennis John BAD MAN
81	Sept. 27, 1989	Excerpts from Cardston Municipal Hospital Administrator's Files Topic: Sudden Death - Dennis John BAD MAN
82	Oct. 11, 1989	Bundle of 77 Photographs Topic: Cardston Blockade
83	Oct. 11, 1989	Excerpts from RCMP Files re the Arrests of Dennis First Rider, Sheldon First Rider, Sidney Plaited Hair, Blair First Rider and Keith Keone Weasel Head
	Oct. 17, 1989	(Additions) Excerpts from RCMP File re Dan Chief Moon
	Oct. 18, 1989	Excerpts from RCMP Files re the Arrest of Keith Chief Moon
		(Additions) Remaining RCMP Records re the Arrest of John Chief Moon
	Oct. 24, 1989	Excerpts from RCMP Files re Mildred Chief Moon
		(Addition) RCMP Files Relating to the Arrest of Gerald Tail Feathers
	Nov. 15, 1989	(Addition) RCMP Files Relating to the Arrest of Winston Bird
		(Addition) Excerpts from RCMP Files re the Arrest of Melinda Bull Shields Topic: Cardston Blockade
84	Oct. 11, 1989	Video Tape, Commercial Production, Cardston Blood Indian Land Dispute, Tape 3 Topic: Cardston Blockade
85	Oct. 11, 1989	Video Tape depicting Blockade Footage taken by Logan McCarthy Topic: Cardston Blockade

Exhibit	Date Entered	Description
86	Oct. 12, 1989	Bundle of newspaper photographs Topic: Cardston Blockade
87	Oct. 12, 1989	Tear Sheet from Lethbridge Herald Topic: Cardston Blockade
88	Oct. 13, 1989	Newspaper Photograph Topic: Cardston Blockade
89	Oct. 13, 1989	Photograph of Milton Born with a Tooth and RCMP Topic: Cardston Blockade
90	Oct. 17, 1989	Excerpts from RCMP Files regarding Blockade Topic: Cardston Blockade
91	Oct. 17, 1989	Excerpts from RCMP Internal Investigation File re Complaint of Mildred Chief Moon
	Nov. 7, 1989	(Addition) Letter from the Solicitor for Mildred Chief Moon to RCMP Cardston dated December 10, 1980 Topic: Cardston Blockade
92	Oct. 17, 1989	Excerpts from Civil Proceedings in Walter Lynch v. John Chief Moon
	Nov. 15, 1989	At direction of the Commissioner four Affidavits, bearing Control numbers 501551, 501552, 501553 and 501554 withdrawn from Exhibit. Topic: Cardston Blockade
93	Oct. 17, 1989	Two photographs depicting Keith Chief Moon and Constable Goodrich Topic: Cardston Blockade
94	Oct. 19, 1989	Excerpts from RCM Police Headquarters File (Ottawa) Topic: Cardston Blockade
95	Oct. 24, 1989	Black and White Photograph taken of Winston Bird at Blockade Topic: Cardston Blockade

Exhibit	Date Entered	Description
96	Oct. 25, 1989	Series of Six Photographs from the Lethbridge Herald (Addition) Two Photographs - Depicting Mr. Grant standing with Dennis First Rider (1A) and depicting Mr. Grant standing at a vehicle (6A) Topic: Cardston Blockade
97	Oct. 26, 1989	Series of Photographs numbered 45, 47, 48 and 62 Topic: Cardston Blockade
98	Oct. 26, 1989	Series of Photographs numbered 1A through 8A Topic: Cardston Blockade
99	Oct. 26, 1989	Series of Photographs numbered 1B through 8B Topic: Cardston Blockade
100	Oct. 26, 1989	Series of Photographs numbered 1C through 7C Topic: Cardston Blockade
101	Oct. 26, 1989	Series of Photographs numbered 1D through 11D Topic: Cardston Blockade
102	Oct. 27, 1989	Two Pictures depicting the Emergency Response Team at Cardston with Liaison Detachment Member, Bedard Topic: Cardston Blockade
103	Oct. 30, 1989	Two Pictures depicting Sergeant Banham with his dog Topic: Cardston Blockade
104	Nov. 1, 1989	Photograph from the Lethbridge Herald, July 21, 1980 Topic: Cardston Blockade
105	Nov. 1, 1989	Photographs taken by Clayton Blood Saturday afternoon, July 26, 1980 Topic: Cardston Blockade

Exhibit	Date Entered	Description
106	Nov. 1, 1989	Photographs taken by Clayton Blood evening of July 26, 1980 and early morning of July 27, 1980 Topic: Cardston Blockade
107	Nov. 1, 1989	Photographs of the Emergency Response Team taken for the Lethbridge Herald Topic: Cardston Blockade
108	Nov. 7, 1989	Letter from Assistant Commissioner Whyte to Roy Fox Topic: Cardston Blockade
109	Nov. 7, 1989	Three overhead diagrams depicting the arrests of Milton Born With A Tooth, Gerald Tail Feathers and Esther Tail Feathers Topic: Cardston Blockade
110	Nov. 8, 1989	Two Photographs (Identified by Inspector Grimmer on Nov. 2, 1989 at pp. 9524-9527) Topic: Cardston Blockade
111	Nov. 9, 1989	RCMP File regarding the arrest of Wallace Many Fingers, Jr. Topic: Cardston Blockade
112	Nov. 16, 1989	Excerpts from Medical Examiners Files Topic: Sudden Deaths, Alphonse MANY GREY HORSES, Hugh CALF ROBE, and Francis WEASEL HEAD
113	Nov. 16, 1989	Fort MacLeod Hospital Records re Alvin James Twigg Topic: Sudden Deaths, Alphonse MANY GREY HORSES, Hugh CALF ROBE, and Francis WEASEL HEAD
114	Nov. 21, 1989	Excerpts from Medical Examiner's File Topic: Sudden Death - Maggie PANTHER BONE

Exhibit	Date Entered	Description
115	Jan. 8, 1990	Documentation of the RCMP during the period of time when Assistant Commissioner Wright was either CIB Officer or Commanding Officer of 'K' Division Topic: Phase III
116	Jan. 15, 1990	Chief Jim Shot Both Sides correspondence re policing Topic: Phase III
117	Jan. 18, 1990	Copy of the Band Constable Resolution dated the 17th day of March, 1965, relating to the appointment of Mr. Eagle Speaker Topic: Phase III
118	Jan. 23, 1990	Document containing things that involve Mr. Fox having to do with the Blood Tribal Police Force during the time that Mr. Fox was employed and was its Chief during the years 1982 to 1986. Topic: Phase III
119	Jan. 23, 1990	Document entitled "Phase 3 re: Policing, Evidence of Liz Scout" Topic: Phase III
120	Jan. 23, 1990	Document entitled "RCMP" and Blood Tribe documents re: BTP-2, Liz Scout's Supplementary Package" Topic: Phase III
121	Jan. 24, 1990	Liz Scout Supplementary Package 2 - Phase III - Policing; RCMP and Blood Tribe Documents re B.T.P. Topic: Phase III
122	Jan. 24, 1990	Package of Documents, Phase III re Policing, the evidence of Mr. Greg Smith Topic: Phase III

Exhibit	Date Entered	Description
123	Jan. 29, 1990	Package of Documents entitled Phase III - Re Policing documents relating to Policing and Blood Tribe Council - Chief Roy Fox Topic: Phase III
124	Jan. 29, 1990	Memo of updated statistics as to number of members of Blood Tribe who are on welfare - January 26, 1990 to Dorothy First Rider from Jackie Red Crow Topic: Phase III
125	Jan. 30, 1990	Package of Documents relating to Phase III re Policing Documents in Relation to Blood Tribe Police Commission, Evidence of Mr. Eugene Creighton Topic: Phase III
126	Jan. 30, 1990	Memo dated February 5, 1982 referring to meeting of Blood Tribe Police Commission on February 4, 1982 Topic: Phase III
127	Jan. 31, 1990	Photocopies of newspaper articles: Lethbridge Herald, May 3, 1989; Calgary Herald, May 3, 1989; Calgary Herald May 5, 1989; Lethbridge Herald, May 6, 1989 Topic: Phase III
128	Jan. 31, 1990	Excerpts - Blood Tribe Protection Services Committee Financial Statements - March 31, 1989 Topic: Phase III
129	Jan. 31, 1990	Public statement of Chief and Council Topic: Phase III
130	Jan. 31, 1990	Three letters (to Premier Getty from Chief Fox, April 20, 1988; and replies to Chief Fox - April 21 and June 8, 1988) Topic: Phase III

Exhibit	Date Entered	Description
131	Feb. 1, 1990	Paper on Blood Tribe Culture prepared by Philip Mistaken Chief Topic: Phase III
132	Feb. 5, 1990	Document entitled "Policing the Bloods - RCMP Role - 1874-1960 - An Historical Outline"; S. W. Horrall, Ottawa - December 1989 Topic: Phase III
133	Feb. 5, 1990	"K" Division - Native Policing Study - 1988/89 Current Status of Recommendations (Note - portion of this Exhibit (133/1) entered on March 22, 1990) Topic: Phase III
134	Feb. 5, 1990	"K" Division - Native Policing - Vol. I and II, Sgt. T. Mahon Topic: Phase III
135	Feb. 6, 1990	Materials entitled Indian Policing Policy Review - Task Force Report - January, 1990. Topic: Phase III
136	Feb. 6, 1990	Materials entitled "Training and Development Branch Briefing Papers" - Training Representation G. McCully, Assistant Commissioner Topic: Phase III
137	Feb. 6, 1990	Recruiting Staff and Personnel - Assistant Commissioner A. LaGasse Topic: Phase III
138	Feb. 6, 1990	Crime Prevention - Police Community Relations 1980 - 1988, Cpl. K. Graham Topic: Phase III

Exhibit	Date Entered	Description
139	Feb. 7, 1990	Compilation of materials prepared by the RCMP in a binder entitled "Services Under Contract" Note: re 139 - on March 22/90 replacement pages for section 7.2 were entered. Topic: Phase III
140	Feb. 7, 1990	Materials described as "BTP 1 Communications", Supt. E. Beaulieu (Retired) Topic: Phase III
141	Feb. 7, 1990	Materials entitled "Phase III - Re: Policing, BTP 1 - Staff Sergent F. Campbell" Topic: Phase III
142	Feb. 7, 1990	Materials entitled "Phase III - Re Policing - BTP 1 - Assistant Commissioner D.A. Whyte (Retired) Topic: Phase III
143	Feb. 14, 1990	Materials entitled "Communications BTP 2 and Prisoner Statistics" Topic: Phase III
144	March 20, 1990	Document entitled "Lethbridge City Police Phase III Evidence" Topic: Phase III
145	March 20, 1990	Document entitled "Phase III re Policing City of Lethbridge Equal Opportunity Employment Policy" Topic: Phase III
146	March 20, 1990	Document entitled "Royal Commission on Donald Marshall Jr., Prosecution - Executive Report" Topic: Phase III - Policing
147	March 20, 1990	Document entitled "L.C.C. Law Enforcement Program" Topic: Phase III

Exhibit	Date Entered	Description
148	March 20, 1990	Chapter 6 (Native People by Brian K. Cryderman - Historical Background) of book titled "Police, Race and Ethnicity" Topic: Phase III
149	March 20, 1990	Phase I - Sudden Death Re Travis Many Grey Horses - Interviews of John Abbott and Simone Lorraine Castleion (AKA Simone Lorraine Crighton) Topic: Sudden Death - Travis MANY GREY HORSES
150	March 20, 1990	Superintendent D. C. Cooper's Report re Sudden Deaths Topic: Sudden Deaths - General
151	March 22, 1990	Report done for RCMP by now-Assistant Commissioner Head entitled "Policing for Aboriginal Canadians - The RCMP Role" Topic: Phase III - Policing
152	March 22, 1990	Documentation entitled "Guard and Matron Training, "K" Division" Topic: Phase III - Policing
153	March 22, 1990	Document entitled "RCMP Planning Manual" Topic: Phase III - RCMP
154	March 22, 1990	Document entitled "RCMP Auxiliary Police Program" Topic: Phase III - RCMP
155/1	March 26, 1990	Binder entitled "Native Policing - Solicitor General of Alberta - Volume I - 1974 to 1980" Topic: Phase III
155/2	March 26, 1990	Binder entitled "Native Policing - Solicitor General of Alberta - Volume II - 1981 to 1990" Topic: Phase III

Exhibit	Date Entered	Description
156/1	March 26, 1990	Binder entitled "Blood Tribal Police Department - Alberta Solicitor General - Volume I - 1978 to 1980" Topic: Phase III
156/2	March 26, 1990	Binder entitled "Blood Tribal Police Department - Alberta Solicitor General - Volume II - 1981 to 1984" Topic: Phase III
156/3	March 26, 1990	Binder entitled "Blood Tribal Police Department - Alberta Solicitor General - Volume III - 1985 to 1989 Topic: Phase III
157	March 26, 1990	Document entitled "Louis Bull Package" Topic: Phase III
158	March 28, 1990	Copy of Speech by Mr. Whetstone re Policing, Aboriginal People, A Developing Native Police Force Topic: Phase III

APPENDIX G

WITNESSES

1. ANDREUCCI, Rodolfo Antonio (Rudy) (RCMP - Constable)
   Sudden Death - Mike EAGLE BEAR

2. BAD MAN, Enid (Suzie)
   Sudden Death - Dennis BAD MAN

3. BANHAM, Christopher John (RCMP - Sergeant)
   Blockade

4. BARBER, Ronald Joseph (RCMP - Staff Sergeant Retired)
   Blockade

5. BATES, Valmer (RCMP - Guard Retired)
   Sudden Death - Maggie PANTHER BONE

6. BEAZER, Cheryl (Nurse - Cardston Municipal Hospital)
   Sudden Death - Mike EAGLE BEAR

7. BEAULIEU, Emile Joseph (RCMP - Superintendent)
   Phase III - BTP - 1
   Phase III - Blood Tribe Police Commission/Committee
   Phase III - Communication - Blood Tribe Council and RCMP
   Phase III - Policing on Reserve (Native Policing)
   Phase III - Youth Portion

8. BEDARD, Bernard Paul Gerard (RCMP - Corporal)
   Sudden Death - Mike EAGLE BEAR

9. BEEBE, Howard Jr.
   Phase III - Relations between Blood Tribe and Police
   Phase III - Policing on Reserve (Native Policing)

10. BEGG, Stewart (RCMP - Constable)
    Sudden Death - Mike EAGLE BEAR
    Policing on Reserve - Crime Prevention

11. BELLOWS, Jean
    - Sudden Death - Cedric MORNING OWL

12. BENN, Gordon Howard (RCMP - Staff Sergeant)
    - Phase III - Funding
    - Phase III - Policing on Reserve (Native Policing)
    - Phase III - 3-B Program

13. BIG SWALLOW, Beatrice
    - Sudden Death - Christopher George TWIGG

14. BIG THROAT, Henry
    - Sudden Death - Christopher TWIGG

15. BIG THROAT, Peggy Rolanda alias CHIEF MOON/SHOT BOTH SIDES
    - Sudden Death - Ivan Gary CHIEF MOON
    - Sudden Death - Mike EAGLE BEAR

16. BIG THROAT, Roland Franklin
    - Sudden Death - Ivan Gary CHIEF MOON

17. BIRD, Winston William
    - Cardston Blockade

18. BLACK PLUME, Bernadette
    - Sudden Death - Cedric MORNING OWL

19. BLOOD, Clayton
    - Blockade

20. BLOOD, Michael (RCMP - Special Constable)
    - Sudden Death - Travis MANY GREY HORSES
    - Tribal Administration - Chief Roy FOX
    - 3-B Program

21. BLOOD, Narcisse
    - Phase III - Relations between Blood Tribe and Police
    - Phase III - Funding
    - Phase III - Policing on Reserve (Native Policing)
    - Phase III - Cardston NCO

22. BOTA, George (Employee at Sewage Plant)
    - Sudden Death - Christopher TWIGG

23. BOTTLE, Duncan
Phase III - Relations between Blood Tribe and Police

24. BREWSTER, Ray
Sudden Death - Ivan Gary CHIEF MOON

25. BRUISED HEAD, Clarke
Sudden Death - Ivan Gary CHIEF MOON

26. BRUISED HEAD, Michael
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Alvin SHOT BOTH SIDES
Blockade
Phase III - Relations between Blood Tribe and Police

27. BRUISED HEAD, Priscilla
Phase III - Relations Between Blood Tribe and Police

28. BULL SHIELDS, Melinda
Blockade

29. BUTT, Dr. John (Chief Medical Examiner, Province of Alberta, Expert In Forensic Pathology)
Role of the Medical Examiner and Office
Various Sudden Deaths

30. CAMPBELL, Frederick Keith (RCMP - Staff Sergeant West Section NCO)
Detachment Boundaries
Phase III - BTP - 2
Phase III - Blood Tribe Police Commission/Committee
Phase III - Communication - Blood Tribe Council and RCMP
Phase III - Relations between Blood Tribe and Police

31. CARRIERE, James Arthur (LCP - Constable)
Sudden Death - Ivan GARY CHIEF MOON

32. CARTER, Carson (RCMP - Staff Sergeant)
Sudden Death - Mike EAGLE BEAR
Policing on Reserve (Native Policing)

33. CHIEF BODY, Randy
Sudden Death - Alvin SHOT BOTH SIDES

34. CHIEF BODY, Shelley Ann
Sudden Death - Travis MANY GREY HORSES

35. CHIEF CALF, Lloyd
Sudden Death - Travis MANY GREY HORSES

36. CHIEF MOON, Dan
Blockade

37. CHIEF MOON, Delvin
Sudden Death - Alvin SHOT BOTH SIDES

38. CHIEF MOON, Duane
Sudden Death - Ivan Gary CHIEF MOON

39. CHIEF MOON, John
Sudden Death - Alvin SHOT BOTH SIDES
Blockade

40. CHIEF MOON, Keith
Blockade

41. CHIEF MOON, Kelsey
Sudden Death - Ivan Gary CHIEF MOON

42. CHIEF MOON, Mildred
Sudden Death - Alvin SHOT BOTH SIDES
Blockade

43. CHIEF MOON, Minnie
Sudden Death - Ivan Gary CHIEF MOON

44. CHIEF MOON, Mona
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Alvin SHOT BOTH SIDES

45. CHIEF MOON, Shirley alias JOHNSON, Shirley
Sudden Death - Alvin SHOT BOTH SIDES
Sudden Death - Ivan Gary CHIEF MOON

46. CLARKE, Roderick John (RCMP - Constable)
Sudden Death - Travis MANY GREY HORSES
Sudden Death - Brian C. MANY BEARS
Sudden Death - Dennis BAD MAN

47. COATES, Douglas Edward (RCMP - Corporal)
Blockade

48. COOPER, Donald Cleve (RCMP - Superintendent)
    Phase III - Policing on Reserve (Native Policing)
    Phase III - BTP - 1
    Phase III - BTP - 2
    Phase III - Cultural Training
    Phase III - Crime Prevention/Police Community Relations
    Phase III - Blood Tribe Police Commission/Committee
    Phase III - 3-B Program
    Phase III - Dakota Ojibway

49. CREIGHTON, Eugene Joseph
    Phase III - Relations between Blood Tribe and Police
    Phase III - Policing on Reserve (Native Policing)
    Phase III - Blood Tribe Police Commission/Committee
    Phase III - Funding
    Phase III - Political Interference

50. CRIER, Arrol Floyd (RCMP - Constable)
    Phase III - 3-B Program
    Phase III - Recruitment

51. CURISTON, Robert (Bob) Patrick (RCMP - Staff Sergeant)
    Blockade

52. CURRY, Dr. Bernadette (Neuropathologist, Foothills Hospital, Calgary)
    Sudden Death - Mike EAGLE BEAR

53. DAVIE, Jim (RCMP - Constable)
    Blockade

54. DAVIS, Joanne Marie
    Sudden Death - Ivan Gary CHIEF MOON

55. DAY CHIEF, Richard
    Sudden Death - Mike EAGLE BEAR

56. DAY RIDER, Rosie
    Phase III - Relations between Blood Tribe and Police

57. DEVINE, Allen
    Blockade

58. DEVINE, Levina
    Phase III - Relations between Blood Tribe and Police
    Phase III - Policing on Reserve (Native Policing)
    Phase III - Funding

59. DOBIE, Dr. J. Campbell (Pathologist)
    Sudden Death - Cedric MORNING OWL
    Sudden Death - Alvin SHOT BOTH SIDES
    Sudden Death - Christopher George TWIGG
    Sudden Death - Ruth DAY RIDER

60. EAGLE BEAR, Alphonse
    Sudden Death - Mike EAGLE BEAR

61. EAGLE BEAR, Audrey
    Sudden Death - Mike EAGLE BEAR

62. EAGLE BEAR, Gilbert
    Sudden Death - Mike EAGLE BEAR

63. EAGLE BEAR, Thelma
    Sudden Death - Mike EAGLE BEAR

64. EAGLE CHILD, Sandra
    Phase III - Youth Portion
    Phase III - Relations between Blood Tribe and Police

65. EAGLE PLUME, Everett
    Sudden Death - Ivan Gary CHIEF MOON

66. EAGLE SPEAKER, Orton
    Phase III - Relations between Blood Tribe and Police
    Phase III - Policing on Reserve (Native Policing)
    Phase III - Crime Prevention

67. EAGLE TAIL FEATHERS, Lambert
    Phase III - Policing on Reserve (Native Policing)
    Phase III - Police Cultural Training
    Phase III - Relations between Blood Tribe and Police
    Phase III - Crime Prevention
    Phase III - 3-B Program

68. EDEN, Eileen C. (Former Nurse at Fort MacLeod Hospital)
    Sudden Death - Christopher George TWIGG

69. EDEN, Frank (Former undertaker, Eden's Funeral Home, Fort MacLeod)
    Sudden Death - Alvin STANDING ALONE
    Sudden Death - Mike EAGLE BEAR
    Sudden Death - Christopher TWIGG

70. EMANUEL, Ian Edward (Ted) (RCMP - Constable)
    Sudden Death - Brian MANY BEARS

71. EVERETT, (nee SOMMERFELDT ARNOLD) Shirley Louise (RCMP - Guard)
    Sudden Death - Maggie PANTHER BONE

72. FARQUHAR, Robert George (RCMP - Corporal)
    Sudden Death - Travis, MANY GREY HORSES

73. FAST, Maynard (LCP - Acting Detective)
    Sudden Death - Ivan Gary CHIEF MOON

74. FIRST RIDER, Alvina Margaret Kennedy (Vinny)
    Blockade

75. FIRST RIDER, Blair
    Sudden Death - Mike EAGLE BEAR
    Blockade
    Phase III - Blood Tribe Protection Services - Ambulance

76. FIRST RIDER, Dennis
    Blockade

77. FIRST RIDER, Jeanette Nora
    Blockade

78. FIRST RIDER, Sheldon
    Blockade

79. FOX, Lambert Francis
    Blockade
    Phase III - Relations between Blood Tribe and Police
    Phase III - Police Cultural Training
    Phase III - Funding
    Phase III - Policing on Reserve (Native Policing)

80. FOX, Mary Teresa
    Blockade

81. FOX, Norbert Angus
    Sudden Death - Travis MANY GREY HORSES

82. FOX, Roy Joseph (Chief) alias FOX MAKENIMA (phonetic), Roy Joseph
    - Phase III - Relations between Blood Tribe and Police
    - Sudden Death - Travis MANY GREY HORSES
    - Phase III - Funding
    - Phase III - Policing on Reserve (Native Policing)
    - Phase III - Political Interference

83. FRANK, Sharon
    - Blockade

84. GAWTHROP, David John T. (RCMP - Constable)
    - Sudden Death - Travis MANY GREY HORSES

85. GOOD DAGGER, Walter
    - Sudden Death - Mike EAGLE BEAR

86. GOOD STRIKER, Rufus
    - Blockade
    - Phase III - Relations between Blood Tribe and Police
    - Phase III - Native Policing

87. GRAHAM, Kevin Joseph (RCMP - Corporal)
    - Phase III - Crime Prevention/Police Community Relations
    - Phase III - Relations between Blood Tribe and Police
    - Phase III - Communication - Blood Tribe Council and RCMP

88. GRANT, Leonard (RCMP - Staff Sergeant Retired)
    - Blockade

89. GREENAWAY, Patrick Lorne
    - Sudden Death - Christopher George TWIGG

90. GRIFFITHS, John (RCMP - Constable)
    - Sudden Death - Mike EAGLE BEAR
    - Policing on Reserve - Crime Prevention

91. GRIMMER, Ross Alexander (RCMP - Inspector)
    - Blockade

92. GROS VENTRE BOY, Ruby
    - Sudden Death - Travis MANY GREY HORSES
    - Sudden Death - Alvin SHOT BOTH SIDES

93. HAHN, Erhard
    - Phase III - BTP - 2
    - Phase III - 3-B Program
    - Phase III - Funding
    - Phase III - Community Policing
    - Phase III - Louis Bull

94. HALF HIDE, Roger Cyril (RCMP - Corporal)
    - Sudden Death - Mike EAGLE BEAR
    - Blockade

95. HANSEN, Lars (RCMP - Corporal)
    - Blockade

96. HAPPEL, Dr. Barbara (Office of the Medical Examiner)
    - Sudden Death - Travis MANY GREY HORSES
    - Sudden Death - Ruth DAY RIDER
    - Sudden Death - Alvin STANDING ALONE
    - Sudden Death - Irvine YELLOW FEET
    - Sudden Death - Dennis BAD MAN

97. HARRISON, Robin Caruth
    - Phase III - Police Cultural Training
    - Phase III - Recruitment

98. HASTIE, David Roy (LCP - Detective)
    - Sudden Death - Ivan Gary CHIEF MOON

99. HEAD, Jordan Matthew alias BRUISED HEAD, Jordan
    - Sudden Death - Ivan Gary CHIEF MOON

100. HEALY, Jeff (Solicitor General Corrections Officer)
    - Phase III - Youth Portion
    - Phase III - Relations between Blood Tribe and Police

101. HEALY, Lynne
    - Sudden Death - Mike EAGLE BEAR

102. HEAVY HEAD, Rose Marie
    - Sudden Death - Travis MANY GREY HORSES

103. HIND BULL, Margaret
    - Sudden Death - Christopher TWIGG

104. HIND MAN, Margaret
Phase III - Relations between Blood Tribe and Police

105. HOLBERTON, Gary L. (LCP - Constable)
Sudden Death - Travis MANY GREY HORSES
Sudden Death - Cedric MORNING OWL

106. HOLMES, Graham (RCMP - Corporal)
Blockade

107. HOLY WHITE MAN, Margaret
Sudden Death - Maggie PANTHER BONE

108. HOPKINS, Lawrence Raymond (LCP - Constable)
Sudden Death - Alvin STANDING ALONE

109. JOHANNES, Lawrence (Larry) Raymond (RCMP - Corporal)
Blockade

110. JOHNSON, James Perry (Jim) (RCMP - Guard)
Sudden Death - Mike EAGLE BEAR
Sudden Death - Dennis BAD MAN
Blockade

111. JOHNSON, Jesse Rankin (RCMP - Guard)
Sudden Death - Dennis BAD MAN

112. JOHNSON, Margaret
Sudden Death - Mike EAGLE BEAR
Blockade

113. JONES, William (RCMP - Sergeant Retired)
Blockade

114. JOSEPH, Randy (LCP - Detective)
Sudden Death - Alvin STANDING ALONE

115. KAMENKA, Patrick Joseph Paul (RCMP - Corporal)
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Mike EAGLE BEAR
Blockade

116. KELLER, Daryl
    Sudden Death - Ivan Gary CHIEF MOON
117. KREEFT, Ernest John Adrian (LCP - Constable)
    Sudden Death - Travis MANY GREY HORSES
    Sudden Death - Cedric MORNING OWL

118. LAGASSE, Joseph Andre Denis (RCMP - Assistant Commissioner)
    Phase III - 3-B Program
    Phase III - Funding

119. LAMBERT, Lyle (RCMP - Staff Sergeant Retired)
    Blockade
    Policing on Reserve - Blood Tribal Police

120. LAUBER, Lynden Wilfrid (RCMP - Corporal Retired)
    Blockade

121. LEE, Christopher John Edward (RCMP - Staff Sergeant)
    Sudden Death - Brian MANY BEARS
    Sudden Death - Dennis BAD MAN
    Phase III - Native Policing
    Phase III - BTP - 2
    Phase III - Relations between Blood Tribe and Police
    Phase III - Social Problems
    Phase III - Communication - Blood Tribe Council and RCMP

122. LEE, Donald Edward (LCP - Inspector)
    Sudden Death - Cedric MORNING OWL

123. LENSEN, George Alec (RCMP - Sergeant)
    Phase III - Policing on Reserve (Native Policing)
    Phase III - Funding

124. LIGHT, David Stephen (RCMP - Constable)
    Blockade

125. LIPTAK, John P. (LCP - Constable)
    Sudden Death - Travis MANY GREY HORSES

126. LITTLE BEAR, Edward
    Phase III - Relations between Blood Tribe and Police

127. LITTLE BEAR, Leroy
Blockade

128. LONG TIME SQUIRREL, Patrick
Sudden Death - Travis MANY GREY HORSES

129. LOW, Dr. Douglas Brian
Sudden Death - Dennis BAD MAN

130. LYNCH, Walter Gerald (RCMP - Sergeant)
Blockade

131. MacDONALD, Garnet Bruce (RCMP - Constable)
Sudden Death - Mike EAGLE BEAR
Native Policing/Cardston Policing

132. MacKAY, Dr. Roderick William (Office of the Medical Examiner)
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Mike EAGLE BEAR

133. MAHON, Anthony Wayne (RCMP - Sergeant)
Phase III - Policing on Reserve (Native Policing)
Phase III - 3-B Program

134. MANY BEARS, Edmund
Sudden Death - Brian MANY BEARS

135. MANY BEARS, Lauretta
Sudden Death - Brian MANY BEARS

136. MANY BEARS, Molly
Sudden Deaths - Alphonse MANY GREY HORSES, Hugh
CALF ROBE, Francis WEASEL HEAD

137. MANY FINGERS, Barry
Phase III - Relations between Blood Tribe and Police
Phase III - Policing on Reserve (Native Policing)

138. MANY FINGERS, Kirby Dean
Phase III - Relations between Blood Tribe and Police
Phase III - Funding
Phase III - Policing on Reserve (Native Policing)
Phase III - Cardston NCO

139. MANY FINGERS, Norman Bevis (Constable)
    Blockade
    Phase III - Native Policing

140. MANY FINGERS, Wallace Jr.
    Blockade
    Policing on Reserve (Native Policing)

141. MANY GREY HORSES, Catherine Janice (RCMP - Special Constable)
    Sudden Death - Travis MANY GREY HORSES
    Sudden Death - Alphonse MANY GREY HORSES
    3-B Program

142. MANY GREY HORSES, Mary Louise
    Sudden Death - Travis MANY GREY HORSES

143. MANY GUNS, Penny Lea
    Sudden Death - Travis MANY GREY HORSES

144. MARTIN, Roderick Graham (RCMP - Corporal)
    Blockade

145. McCULLY, George Lawrence (RCMP - Assistant Commissioner)
    Phase III - Police Cultural Training
    Phase III - 3-B Program

146. McGOWAN, Donald Gordon (RCMP - Constable)
    Sudden Death - Mike EAGLE BEAR
    Sudden Deaths - Alphonse MANY GREY HORSES, Hugh CALF ROBE, Francis WEASEL HEAD

147. McKAY, Jessie Leone Stanford (Executive Director, Cardston Municipal Hospital)
    Sudden Death - Dennis BAD MAN

148. McLEOD, Brian Kirk (RCMP - Sergeant)
    Sudden Death - Maggie PANTHER BONE

149. McMAHON, Mulligan Terrance (Terry) (RCMP - Corporal)
    Sudden Death - Brian MANY BEARS
    Sudden Death - Dennis BAD MAN
    Native Policing
    3-B Program

150. MERASTY, Marion
    Sudden Death - Ivan Gary CHIEF MOON

151. METCALFE, John William (RCMP - Staff Sergeant)
Blockade

152. MISSEGHERS, Robert (RCMP - Sergeant Retired)
Sudden Death - Maggie PANTHER BONE

153. MISTAKEN CHIEF, Duane Philip
Phase III - Relations between Blood Tribe and Police
Phase III - Crime Prevention
Phase III - Police Cultural Training
Phase III - 3-B Program
154. MISTAKEN CHIEF, Philip
Blockade
Phase III

155. MORLEY, Wayne Curtis (RCMP - Staff Sergeant Retired)
Blockade

156. MORNING OWL, Clayton (Statement Only - read into testimony by Associate Commission Counsel)
Sudden Death - Cedric MORNING OWL

157. MORNING OWL, Denise
Sudden Death - Cedric MORNING OWL

158. MOUNTAIN HORSE, Kevin
Blockade

159. MURRAY, Darcy Edgar (LCP - Constable)
Sudden Death - Ivan Gary CHIEF MOON

160. NEVILLE, Richard Arthur (RCMP - Corporal)
Blockade

161. ODELL, Patricia
Sudden Death - Mike EAGLE BEAR

162. OKA, Glen
Sudden Death - Brian MANY BEARS
Phase III - 3-B Program
Phase III - Crime Prevention
Phase III - Funding
Phase III - Policing on Reserve (Native Policing)
Phase III - Relations between Blood Tribe and Police

163. OLSEN, Margaret Erica Anne
Sudden Death - MIKE EAGLE BEAR

164. ONE OWL, Edwin
Sudden Death - Travis MANY GREY HORSES

165. PANTHER BONE, Celestine
Sudden Death - Maggie PANTHER BONE

166. PANTHER BONE, Pearline
Sudden Death - Maggie PANTHER BONE

167. PAUTLER, Frank Anthony (RCMP - Constable)
Sudden Death - Brian MANY BEARS
Native Policing
3-B Program

168. PEARSON, Robert (RCMP - Constable)
Blockade
Phase III - General

169. PLAITED HAIR, Sidney Jr.
Blockade

170. PLATZ, Ron I. (RCMP - Constable)
Sudden Deaths - Alphonse MANY GREY HORSES, Hugh CALF ROBE, Francis WEASEL HEAD

171. PLOMP, William (LCP - Inspector)
Sudden Death - Alvin SHOT BOTH SIDES
Sudden Death - Cedric MORNING OWL
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Alvin STANDING ALONE

172. PONTAROLLO, Cindy Marie
Sudden Death - Ivan Gary CHIEF MOON

173. PORRIER, Gerald Stephen (RCMP - Sergeant)
Sudden Death - Christopher George TWIGG

174. POTTS, James Richard (RCMP - Inspector)
Phase III - Police Cultural Training
Phase III - Relations between Blood Tribe and Police

175. RED CROW, Marvin Horace
Sudden Death - Cedric MORNING OWL
176. RED CROW, Sam
Phase III - Relations between Blood Tribe and Police

177. RICHARDS, Allen James (RCMP - Inspector Retired)
Blockade

178. ROBERTSON, Robert Bruce (RCMP - Constable)
Sudden Death - Travis MANY GREY HORSES

179. RUDD, Alfred David John (Alf) (RCMP - Corporal)
Sudden Death - Mike EAGLE BEAR
Phase III - Policing on Reserve (Native Policing)
Phase III - 3-B Program
Phase III - BTP - 1
Phase III - Blood Tribe Police Commission/Committee

180. RUNNING RABBIT, Jason
Sudden Death - Cedric MORNING OWL

181. RUSSELL, Dr. Robert (Medical Examiner)
Sudden Death - Mike EAGLE BEAR

182. SCHEURMAN, Gordon Dale (LCP - Staff Sergeant)
Sudden Death - Cedric MORNING OWL

183. SCOUT, Barbara Ruth
Sudden Death - Christopher TWIGG
Blockade

184. SCOUT, Elizabeth (Liz) (Chief of Blood Tribe Police Force)
Sudden Death - Christopher George TWIGG
Sudden Death - Cedric MORNING OWL
Phase III - Relations between Blood Tribe and Police
Phase III - Policing on Reserve (Native Policing)
Phase III - Cardston NCO
Phase III - Crime Prevention
Phase III - Funding

185. SEBASTIAN, John (RCMP - Chief Superintendent)
Blockade

186. SHARDLOW, David Arthur (RCMP - Constable)
Sudden Death - Mike EAGLE BEAR
Blockade

187. SHOT BOTH SIDES, Bernard
Sudden Death - Alvin SHOT BOTH SIDES

188. SHOT BOTH SIDES, Donald
Sudden Death - Alvin SHOT BOTH SIDES

189. SHOT BOTH SIDES, Chief Jim
Phase III - Relations between Blood Tribe and Police

190. SHOT BOTH SIDES, Martina alias (nee HOLY WHITE MAN)
Sudden Death - Maggie PANTHER BONE

191. SHOT BOTH SIDES, Rosaline
Phase III - Relations between Blood Tribe and Police

192. SHOUTING, Oliver
Sudden Death - Brian MANY BEARS
Phase III - 3-B Program

193. SIMMONDS, Gerald I. (RCMP - Inspector)
Sudden Death - Dennis BAD MAN
Phase III - Cardston NCO

194. SINCLAIR, Lenora Ann alias SPEAR CHIEF, Lenora Ann
Sudden Death - Ivan Gary CHIEF MOON
Sudden Death - Cedric MORNING OWL

195. SINGER, Anita alias nee EAGLE BEAR
Sudden Death - Mike EAGLE BEAR

196. SMITH, Greg
Phase III - 3-B Program
Phase III - Relations between Blood Tribe and Police
Phase III - Police on Reserve (Native Policing)
Phase III - Police Cultural Training

197. SOBOL, Robert Steven (RCMP - Corporal)
Blockade

198. SOOP, Everett
Phase III - Relations between Blood Tribe and Police

199. SOROKA, Mike (LCP - Detective)
Sudden Death - Ivan Gary CHIEF MOON

200. STANDING ALONE, Roserai Nadine
Sudden Death - Alvin STANDING ALONE

201. STEELE, Mike William
Sudden Death - Mike EAGLE BEAR

202. STEEVES, Clarke Terrence (RCMP - Corporal)
Sudden Death - Travis MANY GREY HORSES

203. TAIL FEATHERS, Esther
Blockade

204. TAIL FEATHERS, Frederick (Rick)
Blockade

205. TAIL FEATHERS, Lester Harvey
Blockade

206. TAIL FEATHERS, Real Gerald
Blockade

207. TALLOW, Hugh Francis
Sudden Death - Christopher George TWIGG

208. TAYLOR, James (Ambulance Attendant - Cardston Ambulance Service)
Sudden Death - Mike EAGLE BEAR

209. THOMAS, Kurt (RCMP - Constable)
Sudden Death - Brian C. MANY BEARS

210. TOWNSEND, T. W. (LCP - Constable)
Sudden Death - Cedric MORNING OWL
Sudden Death - Ivan Gary CHIEF MOON

211. TWIGG, Alvin James
Sudden Deaths - Alphonse MANY GREY HORSES, Hugh CALF ROBE, Francis WEASEL HEAD

212. VALIN, Ronald Dean (LCP - Detective)
Sudden Death - Cedric MORNING OWL

213. VAN ORMAN, Dr. Alan George
Sudden Death - Mike EAGLE BEAR

214. WAUTERS, Ernest Terrance (LCP - Chief of Lethbridge Police Force)
Phase III - Relations between Blood Tribe and Police
Phase III - Recruitment
Phase III - Social Problems
Phase III - Police Cultural Training
Phase III - Community Policing

215. WEASEL FAT, Caroline
Sudden Death - Mike EAGLE BEAR

216. WEASEL FAT, Margaret
Sudden Death - Mike EAGLE BEAR

217. WEASEL HEAD, Keith "Keone"
Blockade
Sudden Death - Francis C. WEASEL HEAD

218. WEASEL MOCCASIN, Dan Sr.
Phase III - Relations between Blood Tribe and Police

219. WEBER, Douglas Walter (RCMP - Constable)
Sudden Death - Travis MANY GREY HORSES

220. WEIR, Robert J. (LCP - Sergeant)
Sudden Death - Cedric MORNING OWL

221. WELKE, Leslie "Brian" (RCMP - Sergeant)
Sudden Death - Travis MANY GREY HORSES

222. WHELPLEY, Norman Lorrey (LCP - Station Sergeant)
Sudden Death - Cedric MORNING OWL

223. WHETSTONE, William John Carl
Phase III - BTP - 1
Phase III - Native Policing Generally
Phase III - 3-B Program
Phase III - Funding
Phase III - Community Policing
Phase III - Louis Bull

224. WHITE QUILLS, Roderick
Sudden Death - Alvin STANDING ALONE

225. WHITE QUILLS, Steven
Sudden Death - Ivan Gary CHIEF MOON

226. WHYTE, David Alexander (RCMP - Assistant Commissioner Retired)
Blockade
Phase III - Policing on Reserve (Native Policing)
Phase III - Relations between Blood Tribe and Police
Phase III - 3-B Program
Phase III - Political Interference
Phase III - BTP - 1
Phase III - Communication - Blood Tribe Council and RCMP

227. WIEBE, Jacob Jaycene Brian (RCMP - Staff Sergeant)
Sudden Death - Christopher George TWIGG

228. WILSON, Robert
Sudden Deaths - Alphonse MANY GREY HORSES, Francis
WEASEL HEAD, Hugh CALF ROBE

229. WOLF CHILD, Harrison
Sudden Death - Mike EAGLE BEAR

230. WRIGHT, Peter (RCMP - Assistant Commissioner Retired)
Phase III

231. YELLOW FACE, Mervyn
Sudden Death - Brian MANY BEARS

232. YIP, Kai
Sudden Death - Travis MANY GREY HORSES

APPENDIX H
LIST 1

COMMISSION COUNSEL SUMMARY

SUDDEN DEATHS NOT PURSUED THROUGH CONSULTATION WITH BLOOD TRIBE COUNSEL AND RESEARCHERS

	NAME	DATE OF DEATH/PLACE
1.	ACROSS THE MOUNTAIN, Elizabeth	October 11/88
2.	ACROSS THE MOUNTAIN, Mary Lucias (DOB Dec 1/43)	July 25/82 Hwy #3 Coalhurst
3.	ACROSS THE MOUNTAIN, William Francis	August 11/80 Hwy #3 West of Lethbridge
4.	BAD ARM, Adolphus "Tiny"	November 28/88 Lethbridge
5.	BAD ARM, Ester	February 26/82 Lethbridge
6.	BAD ARM, VALENCIA	May 29/79 Lethbridge
7.	BAD MAN, Mildred	March 2/83
8.	BLACK PLUME, Budd (DOB Nov. 29/50)	

	NAME	DATE OF DEATH/PLACE
9.	BLACK PLUME, Colin	June 17/82 Hwy #5 Lethbridge
10.	BLACK PLUME, Horace	October 2/80
11.	BUCKSKIN, Leslie Richard	August 27/80 Lethbridge
12.	BULL CHILD, Eleanor	October 3/80
13.	BULL CHILD, Mavis	October 9/79 Lethbridge
14.	CALF ROBE, Christine	May 10/80 Calgary
15.	CALF ROBE, Edwin Horace	February 11/81 Blood Reserve
16.	CALF ROBE, Steven Kenneth	May 4/78 Gleichen
17.	CHIEF CALF, Verna	March 10/84 Medicine Hat
18.	CHIEF MOON, Norine Sally	January 27/85 Lethbridge
19.	CRANE CHIEF, Bernice (DOB Jan. 19/52)	May 7/79 Calgary
20.	CRANE CHIEF, Brenda (DOB May 13/83)	September 30/84 Lethbridge
21.	CRANE CHIEF, Doreen	December 8/81 Lethbridge
22.	CROP EARED WOLF, Geraldine	July 21/80 Hwy #3 Junction

	NAME	DATE OF DEATH/PLACE
23.	DAVIS, Joseph Wavell Linquist	June 15/82 Lethbridge
24.	DAY RIDER, Carmen	October 29/88 Hwy #2, Little Chicago
25.	DAY RIDER, Steven	June 8/86 Blood Reserve
26.	EAGLE PLUME, Dexter	May 2/86 Blood Reserve
27.	EAGLE SPEAKER, David	October 31/82 Fort Macleod
28.	EAGLE SPEAKER, Wilfred (DOB 1938)	July 26/45
29.	FIRST CHARGER, Leonard	July 7/83 Fort Macleod
30.	GAMBLER, Peter David (DOB July 3/58)	June 21/75 Fort Macleod
31.	GOOD DAGGER, Matthew	February 13/81 Lethbridge
32.	GOOD RIDER, Delbert	June 2/87 Lethbridge
33.	GOOD RIDER, Gilbert	February 8/83 Lethbridge
34.	GOOD RIDER, Owen	May 26/81 Lethbridge
35.	GROS VENTURE BOY, Roland	March 1/80 Red Deer
36.	HAIRY BULL, Bernadette (DOB May 12/38)	May 3/81 Cardston

	NAME	DATE OF DEATH/PLACE
37.	HAIRY BULL, Lucy (DOB 1910)	October 29/89
38.	HAIRY BULL, Robert (DOB 1963)	September 19/84
39.	HEAVY RUNNER, Veronica	May 17/87 Lethbridge
40.	KING, Raynard	January 1/87 10 Km SE Lethbridge
41.	LOW HORN, Patrick	March 10/81 Lethbridge
42.	MANY FINGERS, Franklyn	July 26/86 Osoyoos, BC
43.	MILLS, Adam	September 26/81 Cluny
44.	MILLS, Lonnie Francis	September 2/82 Blood Reserve
45.	PARKER, Shannon (DOB Jan. 16/70)	April 16/77
46.	PLAIN WOMAN, Clement Bernard	January 1/83 Hwy 506 W Hwy 2 10 Km
47.	PROSPER, Debra (Eagle Child)	June 17/82 Lethbridge
48.	RED CROW, Bertrand Paul (DOB June 15/36)	September 5/82 Stand Off
49.	RED CROW, Clara Madeline	January 26/79

	NAME	DATE OF DEATH/PLACE
50.	RED CROW, Elvina	September 12/84 Calgary
51.	SHOUTING, Philip	
52.	SINGER, Edward Theodore	July 17/82 Hwy #2 N Cardston
53.	SMALL EYES, Adrian	December 23/70 Cardston
54.	SOOP, Lauretta	June 12/79 Calgary
55.	SPEAR CHIEF, Mary Anne	April 6/75 Lethbridge
56.	STRIPED WOLF, Meldon George	July 31/76 Vauxhall
57.	VIELLE, Morris (DOB Nov. 18/44)	March 22/80 Blood Reserve
58.	WEASEL HEAD, Adlarde	November 17/85
59.	WELLS, Kenneth	August 5/80 Lethbridge
60.	WOLF CHILD, James	May 27/87 Lethbridge
61.	YOUNG PINE, Joe	

APPENDIX H
LIST 2

COMMISSION COUNSEL SUMMARY

SUDDEN DEATHS NOT PURSUED AT THE REQUEST OF FAMILY MEMBERS

1. Darryl John Black Water
   - Mary Ann Black Water (mother)
2. Urban George Black Water
   - Mary Ann Black Water
3. Julius Medicine Crane
   - Julia Medicine Crane (mother)
4. Gilbert Medicine Crane
   - Julia Medicine Crane (mother)
5. Mildred Medicine Crane
   - Julia Medicine Crane (mother)
6. Moses Weasel Head
   - Peter Weasel Head (brother)
7. Darryl Ryan Pace
   - Tina Pace (sister)
8. Verna Across The Mountain
   - Roger Across The Mountain (father)
9. Norman Across The Mountain
   - Roger Across The Mountain (father)
10. Leonard Hind Bull
11. Robert Hind Bull
    - Eva Hind Bull (mother)

12. Peter Robert Hunt
    - Pearl Long Time Squirrel (sister)

13. Norine Julia Shot Both Sides

14. Kevin Dexter Scout
    - Myrtle Scout

15. Eugene Big Throat
    - Henry Big Throat (brother)

16. Jordan Spear Chief
    - Harriet Spear Chief (sister)

17. Joseph Gabriel Gambler
    - Parker Gambler (brother)

APPENDIX H
LIST 3

COMMISSION COUNSEL SUMMARY

SUDDEN DEATHS BEYOND THE TERMS OF REFERENCE

1. Catherine RedCrow

   - This death occurred in the Edmonton area and due to an upcoming trial was not considered within the Terms of Reference.

2. Peter Bellows

   - This death occurred in Calgary and was a homicide investigation and therefore deemed outside of the Terms of Reference.

3. Chester Heavy Runner

   - This death occurred after the Order in Council and was deemed outside the Terms of Reference of this Inquiry. A fatality inquiry was ordered and to date is still ongoing. There was therefore a decision to not include this death.

4. Bernard Tall Man Jr.

   - This death is currently before the Court of Appeal and is, therefore, deemed outside the Terms of Reference of this Inquiry.

5 - 7. Jerry Family (three deaths)

   - These persons were not members of the Blood Tribe and clearly fell outside of the scope of this Inquiry.

APPENDIX I

LIST OF DEATHS EXAMINED IN OPEN HEARINGS

INVESTIGATIONS:

BAD MAN, Dennis
CALF ROBE, Hugh Ferguson
CHIEF MOON, Ivan Gary
EAGLE BEAR, Mike
MANY BEARS, Brian
MANY GREY HORSES, Alphonse
MANY GREY HORSES, Travis
MORNING OWL, Cedric
PANTHER BONE, Maggie
SHOT BOTH SIDES, Alvin
STANDING ALONE, Alvin
TWIGG, Christopher
WEASEL HEAD, Francis

CHIEF MEDICAL EXAMINER\PATHOLOGY REVIEWS:

BLACK WATER, Alvin
DAY RIDER, Agnes
DAY RIDER, Clara
DAY RIDER, Ruth
SORREL HORSE, Robert and Dora
YELLOW FEET, Irvine

APPENDIX J

PERSONS/AGENCIES PROVIDING INFORMATION NOT HEARD IN OPEN HEARINGS

1. Susan Ashley
   Associate Dean of Law, Dalhousie University, Halifax, Nova Scotia
   Administrator, Royal Commission on the Donald Marshall, Jr., Prosecution, Nova Scotia

2. Thelton Thomas Berger, Q. C.
   Retired Justice, British Columbia Supreme Court
   Commissioner, Inquiry on McKenzie Pipeline
   Vancouver, British Columbia

3. Harrison Bull
   Louis Bull Band Counsellor
   Hobbema Reserve, Alberta

4. Solomon Bull
   Member of Police Commission
   Louis Bull Band, Hobbema Reserve, Alberta

5. The Reverend Robert Burroughs
   Member of the First British Columbia Police Commission
   Vancouver, British Columbia

6. CBC
   Assistance in providing and reviewing clips/programs regarding Blood Tribe over the past two years

7. CFCN
   Assistance in providing and reviewing clips/programs regarding Blood Tribe

8. CTV
   Assistance in providing and reviewing clips/programs regarding Blood Tribe

9. Peter Campbell
   Deputy Commissioner, Field Operations
   Ontario Provincial Police, Toronto, Ontario

10. Professor Hugh Dempsey
   Associate Director, Glenbow Museum, Calgary, Alberta

11. Ron Ferri
   Senior Analyst
   Department of the Federal Solicitor General, Ottawa, Ontario

12. Fil Fraser
   Commissioner
   Alberta Human Rights Commission, Edmonton, Alberta

13. Ian Glenn
   Assistant Deputy Minister, Policing
   Department of the Federal Solicitor General, Ottawa, Ontario

14. Wilton Good Striker
   Head of Horn Society
   Blood Tribe, Alberta

15. Dr. Richard Gosse, Q. C.
   Chairman
   RCMP Public Complaints Commission, Ottawa, Ontario

16. Professor Allen Grant
   Osgoode Hall Law School
   University of York, Toronto, Ontario

17. Chief Justice Allan Hamilton
   Commissioner
   Public Inquiry into the Administration of
   Justice and Aboriginal People, Winnipeg, Manitoba

18. Assistant Commissioner R. H. D. Head
   Royal Canadian Mounted Police (R.C.M.P.), Ontario

19. Chief Justice Alex Hickman
   Supreme Court of Newfoundland
   Chief Commissioner, Royal Commission on the Donald Marshall, Jr.,
   Prosecution, Halifax, Nova Scotia

20. Professor John Hogarth
    University of British Columbia, Vancouver, British Columbia

21. Bill Hutton
    Inspector, First Nations Contract Policing
    Ontario Provincial Police, Toronto, Ontario

22. Professor Michael Jackson
    University of British Columbia, Vancouver, British Columbia

23. Professor Ralph Johnson
    School of Law, University of Washington
    Seattle, Washington

24. Harry LaForme
    Indian Commissioner, Province of Ontario
    Toronto, Ontario

25. Stien Lal
    Deputy Minister
    Department of the Solicitor General
    Province of Ontario, Toronto, Ontario

26. Glenn Likkers
    Chief of Police
    Six Nations Police Force, Brantford, Ontario

27. Professor Leroy Littlebear
    Department of North American Native Studies
    University of Lethbridge, Lethbridge, Alberta

28. Chief Judge Hilda Manuel
    Tohono O'odlam Tribal Court
    Phoenix, Arizona

29. Ed Martin
    Court Administrator
    Judicial Branch, Navaho Nation
    Phoenix, Arizona

30. David McDonald
    Deputy Head of Research, Royal Commission into Aboriginal Deaths in Custody, Sydney, Australia

31. Dr. Neil McDonald
    Professor, Cross Cultural Consulting Inc.
    Winnipeg, Manitoba

32. Tom McMahon
    Administrator
    Public Inquiry into the Administration of
    Justice and Aboriginal People, Winnipeg, Manitoba

33. Randy McNicol
    Commission Counsel
    Public Inquiry into the Administration of
    Justice and Aboriginal People, Winnipeg, Manitoba

34. Wally McKay
    Chairman
    Ontario First Nations Police Commission

35. Bruce Pollard
    Chief of Police, Louis Bull Police Department
    Hobbema Reserve, Alberta

36. Gordon Rain
    Louis Bull Elder, Hobbema Reserve, Alberta

37. John Reid
    Sergeant, Louis Bull Police Department
    Hobbema Reserve, Alberta

38. Perry Schulman, Q.C.
    Commission Counsel
    Public Inquiry into the Administration of
    Justice and Aboriginal People, Winnipeg, Manitoba

39. Associate Chief Judge Murray Sinclair
    Commissioner
    Public Inquiry into the Administration of
    Justice and Aboriginal People, Winnipeg, Manitoba

40. Robert Sterling
    Director, Band Support Services
    Department of Indian Affairs and Northern Development
    Ottawa, Ontario

41. Lewis Staats
    Chairman Police Commission
    Six Nations, Brantford, Ontario

42. Florent Tremblay
    Sûreté Du Québec, Montreal, Quebec

43. Superintendent Thomas Wall
    Director, First Nations and Contract Policing Branch
    Ontario Provincial Police, Toronto, Ontario

44. Honourable Hal Wootten, Q. C.
    Commissioner, Royal Commission into Aboriginal Deaths
    in Custody, Sydney, Australia

45. Sergeant Walter Wroblowsky
    Ontario Provincial Police
    Toronto, Ontario

46. Maxwell Yalden
    Chief Commissioner
    Canadian Human Rights Commission, Ottawa, Ontario

APPENDIX K

RULINGS MADE DURING THE INQUIRY

There are numerous rulings within the body of the testimony which are not being recorded in this Appendix. These unreported rulings are considered by the Commissioner to be internal and procedural rulings that normally occur in the course of the Inquiry which keep matters flowing.

The rulings that are being reported are considered significant and affecting the direction of the Inquiry.

	Date of Application	Counsel Applying	Nature of Application	Commissioner's Ruling
1.	Sept. 14/89	S. Koval, Q.C.	Counsel submits the file of Robert and Dora Big Sorrel Horse should not be before the Inquiry as it is still under police investigation and therefore outside the Terms of Reference.	The inquiry into this case is not proper before this Inquiry at this time.
2.	Sept. 27/89	A. Fradsham	Counsel applies for standing as counsel for Jessie MacKay, Dr. Low and Cardston Municipal Hospital.	Standing granted.
3.	Oct. 11/89	P. North, Q.C.	Counsel applies for leave to be absent for the Blockade part of Inquiry. If the Lethbridge City Police are brought into the matter, then leave applied to review evidence and recall witnesses.	Both applications granted.

	Date of Application	Counsel Applying	Nature of Application	Commissioner's Ruling
4.	Oct. 11/89	I. Whitehall, Q.C.	Counsel seeks clarification on the use of Exhibit #83 information.	Exhibit #83 is to be used for information purposes only.
5.	Jan. 17/90	E. Creighton	Counsel submits that an oath or affirmation is as binding as the Blackfoot morning prayer to the witness and meets the intent of the *Alberta Evidence Act* requirements.	Evidence to proceed according to Blood Tribe custom.
6.	Jan. 24/90	P. North, Q.C.	Counsel states he intends to examine a witness with respect to constitutionality.	Constitutionality is not in the Terms of Reference of the Inquiry.
7.	Jan. 25/90	I. Whitehall, Q.C.	Counsel applies for leave for B. Malone, Q.C. to recall a witness due to comments on two Royal Canadian Mounted Police officers. B. Malone was not present.	Mr. Malone, Q.C. is granted leave to recall the witness if required.
8.	Mar. 22/90	C. Evans, Q.C.	Counsel makes application for the right to make oral submissions at the conclusion of evidence and reasonable time to prepare for said submission.	Application taken under advisement. Ruling made on Mar. 27/90 at which time the application was denied, as not serving a useful purpose. Subsequently, this ruling was reconsidered and concluding oral

	Date of Application	Counsel Applying	Nature of Application	Commissioner's Ruling
				submission were heard on Oct. 3 to 4, 1990.
9.	Mar. 22/90		Discussion revolved around the use of evidence described as a Royal Canadian Mounted Police Folio.	The Folio is to be provided to the Commissioner for information but is not to be entered as an exhibit because of other confidential matters contained in the folio.
10.	Mar. 27/90	J. Bascom	Counsel applies to have included in the Inquiry the matter of the death of Elizabeth Across the Mountain. Counsel further applies to include in the Inquiry the matter of General Complaints.	Both applications were denied at this time unless some specifics to these matters were brought forward for the Commissioner's consideration.
11.	Mar. 27/90	I. Whitehall, Q.C.	Counsel argues that submission should be allowed, in procedural fairness, on any issues of adverse findings the Commission may make. Counsel's impression was that leave was granted to bring forward such submissions.	This is a separate issue from concluding oral submissions. Counsel's argument regards an issue still on the table. Counsel will receive same pursuant to previous undertakings to Counsel. In the

Date of Application	Counsel Applying	Nature of Application	Commissioner's Ruling
			Commissioner's view the subsequent Granting of Oral Submissions provided Counsel of Standing the opportunity to counter or meet any anticipated criticisms.

APPENDIX L

STAFFING OF THE ALBERTA MEDICAL EXAMINER SYSTEM

There may be several people or agencies involved in the determination of the cause, manner, and circumstances of a death. The system requires co-operation and effective communication between them. Outside agencies (eg. pathologists, special investigators) may need guidance on their responsibilities and how the law is interpreted.

The following describes the persons or agents involved in the certification of Sudden Death within the medical examiner system:

Medical Examiner:

A community-based practising physician who serves the Department of the Attorney General - Office of Chief Medical Examiner, on a fee for service part-time basis by directing the investigation and certification of the medical cause, manner, and circumstances of notifiable deaths.

Medical Examiner's Investigator:

A full or part-time public employee of the Office of Chief Medical Examiner, who has special training in scene investigation and in assessing the appearances of a body. He/she assists the medical examiners in Calgary and Edmonton and provides a liaison with rural medical examiners who may require advice or need to have an autopsy performed at these centres.

Police as Medical Examiners' Investigators:

A law enforcement office who, at the direction of the medical examiner, aids in the investigation of cases outside Calgary and Edmonton.

(Police may also be involved as investigators of a crime or suspicious death. In this instance the medical examiner assists the police officer.)

Pathologist:

Provides an autopsy report under the direction of the medical examiner to aid an investigation. Pathologists must be specialists as defined in *Alberta's Medical Profession Act*. No one other than a pathologist can perform an autopsy under *The Fatality Inquiries Act*.

SOURCE: Investigation of Sudden Death - A Medical Examiner's Guide prepared by The Office of the Chief Medical Examiner, Department of the Attorney General of Alberta (1988)

APPENDIX M - 1

COPY OF TREATY SEVEN (1877)

Articles of a Treaty made and concluded this twenty-second day of September in the year of Our Lord One thousand eight hundred and seventy-seven, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners the Honorable David Laird, Lieutenant-Governor and Indian Superintendent of the North-West Territories and James Farquharson Macleod C.M.G. Commissioner of the North-West Mounted Police, of the one part, and the Blackfeet, Blood, Piegan, Sarcee, Stoney, and other Indians, inhabitants of the territory north of the United States Boundary line, east of the central range of the Rocky Mountains, and south and west of Treaties numbers Six and Four, by their Head Chiefs and Minor Chiefs or Councillors chosen as hereinafter mentioned of the other part:

Whereas the Indians inhabiting the said Territory have pursuant to an appointment made by the said Commissioners been convened at a meeting at the "Blackfoot Crossing" of the Bow River to deliberate upon certain matters of interest to Her Most Gracious Majesty of the one part and the said Indians of the other

---

*Text is from the original handwritten treaty in the Public Archives of Canada (now the National Archives of Canada), RG10. There are many variations between this and official printed versions; most involve minor punctuation but some Indian names are wrongly written or translated while paragraph 4 reads "should be authorized" while printed versions have "shall be authorized."

And whereas the said Indians have been informed by Her Majesty's Commissioners that it is the desire of Her Majesty to open up for settlement and such other purposes as to Her Majesty may seem meet, a tract of country, bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her Indian subjects inhabiting the said tract, and to make a Treaty and arrange with them so that there may be peace and good will between them and Her Majesty, and between them and Her Majesty's other subjects; and that Her Indian people may know and feel assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract duly convened in council and being requested by Her Majesty's Commissioners to present their Head Chiefs and Minor Chiefs or Councillors, who should be authorized on their behalf to conduct such negotiations and sign any Treaty to be founded thereon and to become responsible to Her Majesty for the faithful performance by their respective Bands of such obligations as should be assumed by them; the said Blackfeet, Blood, Piegan and Sarcee Indians have therefore acknowledged for that purpose the several Head and Minor Chiefs and the said Stoney Indians the Chiefs and Councillors who have subscribed hereto; that thereupon in open council the said Commissioners received and acknowledged the Head and Minor Chiefs and the Chiefs and Councillors presented for the purpose aforesaid.

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians; and the same has been finally agreed upon and concluded as follows, that is to say: the Blackfeet, Blood, Piegan, Sarcee, Stony and other Indians inhabiting the District hereinafter more fully described and defined, do, hereby cede release, surrender, and yield up to the Government of Canada for Her Majesty the Queen and her successors for Ever, all their rights, titles, and privileges whatsoever to the lands included within the following limits, that is to say:

Commencing at a point on the International Boundary due south of the western extremity of the Cypress Hills, thence west along the said Boundary to the central Range of the Rocky Mountains or to the boundary of the Province of British Columbia, thence northwesterly along the said boundary to a point due west of the source of the Main branch of the Red Deer River, thence southwesterly and southerly following on the boundaries of the Tracts ceded by the Treaties numbered Six and Four to the place of commencement. And also all their rights, titles, and privileges whatsoever, to all other lands wherever situated in the North-West Territories, or in any other portion of the Dominion of Canada.

To have and to hold the same to Her Majesty the Queen and Her Successors forever.

And Her Majesty the Queen hereby agrees with Her said Indians, that, they shall have right to pursue their vocations of hunting throughout the Tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the Country acting under the authority of Her Majesty; and saving and excepting such Tracts as may be required or taken up from time to time for Settlement, Mining, Trading or other purposes by Her Government of Canada, or by any of Her Majesty's Subjects duly authorized therefor by the said Government.

It is also agreed between Her Majesty and her said Indians that Reserves shall be assigned them of sufficient area to allow one square mile for each family of five persons, or in that proportion for larger and smaller families, and that said Reserves shall be located as follows, that is to say:

First, The reserves of the Blackfeet, Blood and Sarcee Bands of Indians, shall consist of a belt of land on the north side of the Bow and South Saskatchewan Rivers, of an average width of four miles along said rivers, down stream, commencing at a point on the Bow River twenty miles northwesterly of the Blackfeet crossing thereof and extending to the Red Deer River at its junction with the South Saskatchewan; also for the term of Ten Years and no longer, from the date of the concluding of this Treaty when it shall cease to be a portion of said Indian reserves, as fully to all intents and purposes as if it had not at any time been included therein, and without any compensation to individual Indians for improvements, of a similar belt of land on the south side of the Bow and Saskatchewan Rivers of an average width of one mile along said rivers down stream, commencing at the aforesaid point on the Bow River, and extending to a point one mile west of the Coal seam on said river, about five miles below the said Blackfeet Crossing; beginning again one mile east of the said Coal seam and extending to the mouth of Maple Creek at its junction with the South Saskatchewan; and beginning again at the junction of the Bow River with the latter river and extending on both sides of the South Saskatchewan in an average width on each side thereof of one mile, along said river against the stream to the junction of the Little Bow River with the latter river; reserving to Her Majesty as may nor or hereafter be required by Her for the use of Her Indian and other Subjects, from all the reserves hereinbefore described the right to navigate the above mentioned rivers, to land and receive fuel and cargoes on the shores and banks thereof, to build bridges and establish ferries thereon, to use the fords thereof and all the trails leading thereto, and to open such other roads through the said reserves as may appear to Her Majesty's Government of Canada, necessary for the ordinary travel of Her Indian and other subjects, due compensation being paid to individual Indians for improvements when the same may be in any manner encroached upon by such roads.

Secondly, that the Reserve of the Piegan Band of Indians shall be on the Old Man's River, near the foot of the Porcupine Hills at a place called "Crow's Creek"

And thirdly the Reserve of the Stony Band of Indians shall be in the vicinity of Morley-ville

In view of the satisfaction of Her Majesty with the recent general good conduct of her said Indians, and in extinguishment of all their past claims, She hereby through Her Commissioners agrees to make them a present payment of Twelve dollars each in cash, to each man, woman and child of the families here represented.

Her Majesty also agrees that next year and annually afterwards for ever, she will cause to be paid to the said Indians in cash, at suitable places and dates of which the said Indians shall be duly notified, to each Chief Twenty-Five dollars, each Minor Chief or Councillor (not exceeding fifteen Minor Chiefs to the Blackfeet and Blood Indians, and four to the Piegan and Sarcee Bands, and five Councillors to the Stony Indian Bands) fifteen dollars, and to every other Indian of whatever age five dollars, the same unless there be some exceptional reason to be paid to the heads of families for those belonging thereto

Further, Her Majesty agrees that the sum of Two thousand dollars shall hereafter every year be expended in the purchase of ammunition for distribution among the said Indians, Provided that if at any future time ammunition become comparatively un-necessary for said Indians, Her Government with the consent of said Indians or any of the Bands thereof, may expend the proportion due to such Band, otherwise for their benefit.

Further, Her Majesty agrees that each Head Chief and Minor Chief and each Chief and councillor duly recognized as such, shall once in every three years during the term of their office, receive a suitable suit of Clothing, and each Head Chief and Stony Chief in recognition of the closing of the Treaty, a suitable medal and flag, and next year or as soon as convenient, each Head Chief and Minor Chief and Stony Chief shall receive a Winchester Rifle.

Further, Her Majesty agrees to pay the salary of such teachers to instruct the children of the said Indians as to Her Government of Canada may seem advisable, when said Indians are settled on their Reserves and shall desire teachers.

Further, Her Majesty agrees to supply each Head and Minor Chief and each Stony Chief for the use of their Bands, ten axes, five handsaws, five augers, one grindstone, and the necessary files and whetstones

And further, Her Majesty agrees that the said Indians shall be supplied as soon as convenient, after any Band shall make due application therefore, with the following cattle for raising stock, that is to say: for every family of five persons and under two Cows, for every family of more than five persons and less than ten persons three Cows, for every family of over ten persons four Cows, and every Head and Minor Chief and every Stony Chief for the use of their Bands, one Bull; but if any Band desire to Cultivate the soil as well as raise stock, each family of such Band shall receive one Cow less than the above mentioned number, and in lieu thereof, when settled on their reserves and prepared to break up the soil, two hoes, one spade, one scythe, and two hay forks, and for every three families, one plough, and one harrow, and for each Band, enough potatoes, barley, oats, and wheat (if such seeds be suited for the locality of their reserves) to plant the land actually broken up. All the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

And the undersigned Blackfeet, Blood, Piegan and Sarcee Head Chiefs and Minor Chiefs, and Stony Chiefs and Councillors on their own behalf and on behalf of all other Indians inhabiting the Tract within ceded do hereby solemnly promise and engage to strictly observe this Treaty and also to conduct and behave themselves as good and loyal Subjects of Her Majesty the Queen. They promise and engage that they will, in all respects, obey and abide by the Law; that they will maintain peace and good order between each other, and between themselves and other Tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians, Half Breeds or Whites, now inhabiting, or hereafter to inhabit, any part of the said ceded tract; and that they will not molest the person or property of any inhabitant of such Ceded Tract, or the property of Her Majesty the Queen, or interfere with or trouble any person, passing or travelling through the said Tract or any part thereof, and that they will assist the Officers of Her Majesty in bringing to justice and punishment any Indian offending against the Stipulations of this Treaty, or infringing the laws in force in the Country so ceded.

In Witness whereof Her Majesty's said Commissioners, and the said Indian Head and Minor Chiefs and Stony Chiefs and Councillors, have hereunto subscribed and set their hands, at the

Councillors, have hereunto subscribed and set their hands, at the Blackfoot Crossing" of the Bow River, the day and year herein first above written

(Signed) DAVID LAIRD
Lieutenant Governor of North-West Territories
and Special Indian Commissioner.

JAMES F. MACLEOD Lt. Col.
Comm. N.W.M.P. & Special Indian Commissioner.

CHAPO-MEXICO or Crowfoot His x mark
Head Chief of the South Blackfeet

NATOSE-APIW or Old Sun " x "
Head Chief of the North Blackfeet

STAMIXOTOCAN or Bull Head " x "
Head Chief of the Sarcees

MEKASTO or Red Crow " x "
Head Chief of the South Bloods

NATOSE-ONISTORS or Medicine Calf " x "
[or Button Chief, Blood]

POKAPIW-OTOCAN or Bad Head " x "
[or Father of Many Children, Blood]

SOTENAH or Rainy Chief " x "
Head Chief of the North Bloods

SAKOYE-STAMIX or Hind Bull [Blood] " x "

AKKA-KITCHIPIMIW-OTAS or Many Spotted Horses [Blood] " x "

ATTISTAH-MACAN or Running Rabbit [Blackfoot] " x "

PITAH-PEKIS or Eagle Rib [Blackfoot]	" x "
SAKOYE-AOTAN or Heavy Shield Head Chief of the Middle Blackfeet	" x "
ZOATZE-TAPITAPIW or Setting on an Eagle Tail - Head Chief of the North Peigans	" x "
AKKA-MAKKOYE or Many Swans [sic. Big Swan, Peigan]	" x "
APENAKO-SAPOP or Morning Plume [Peigan]	" x "
MAS-GWA-AH-SID or Bear's Paw [Stoney chief]	" x "
CHI-NI-KA or John [Stoney chief]	" x "
KI-CHI-PWOT or Jacob [or Goodstoney, Stoney chief]	" x "
STAMIX-OSOK or Bull Backfat [Blood]	" x "
EMITAH-APISKINNI or White Striped Dog [Blood]	" x "
MATAPI-KOMOTZIW or the Captive or Stolen Person [Blood]	" x "
APAW-AWAKASOW or White Antelope [Blood]	" x "
MAKOYE-KIN or Wolf Collar [Blood]	" x "
AYE-STIPIS-SIMAT or Heavily Whipped [Blood]	" x "
KISSOUM or Daylight [sic. Old Moon, Blood]	" x "
PITAH-OTOCAN or Eagle Head [Blood]	" x "
APAW-STAMIX or Weasel Bull [Blood]	" x "

ONISTAH-POKAH or Calf Child [or White Calf, Blood]	" x "
NETAH-KITEI-PI-MIW or Only Spot [Blood]	" x "
AKAK-OTAS or Many Horses [Sarcee]	" x "
STOKIMATIS or The Drum [Sarcee]	" x "
PITAH-ANNES or Eagle Robe [Sarcee]	" x "
PITAH-OTSIKIN or Eagle Shoe [Blood]	" x "
STAMIX-OTA-KA-PIW or Bull Turn Round [Blood]	" x "
MASTE-PITAH or Crow Eagle [Peigan]	" x "
JAMES DIXON [Stoney Councillor, Bearspaw Band]	" x "
ABRAHAM KECHEPWOT [or Goodstoney] [Stoney Councillor, Goodstoney Band]	" x "
PATRICK KECHEPWOT [or Goodstoney] [Stoney Councillor, Goodstoney Band]	" x "
GEORGE TWO-YOUNG-MEN [Stoney Councillor, Chiniki Band]	" x "
GEORGE CRAWLER [Stoney Councillor, Chiniki Band]	" x "
EKAS-KINI or Low Horn [Blackfoot]	" x "
KAYO-OKOSIS or Bear Child [Blackfoot]	" x "
PONOKAH-STAMIX or Bull Elk [Blackfoot]	" x "
OMAKSI-SAPOP or Big Plume [Blackfoot]	" x "
ONISTAH or Calf Robe [Blackfoot]	" x "
PITAH-SIKSINUM or White Eagle [Blackfoot]	" x "

APAW-ONISTAW or Weasel Calf [Blackfoot] " x "

ATTISTA-HAES or Rabbit Carrier [Blackfoot] " x "

PITAH or Eagle [Blackfoot] " x "

PITAH-ONISTAH or Eagle White Calf [Blackfoot] " x "

KAYE-TAPO or Going to Bear [Blood] " x "

Signed by the Chiefs and Councillors within named in presence of the following witnesses, the same having been first explained by James Bird, Interpreter.

(Signed) A.G. IRVINE, Ass't. Comr., NWMP
J. McDOUGALL, Missionary
JEAN L'HEUREUX
W. WINDER, Inspector
L.N.F. CROZIER, Inspector
E. DALRYMPLE CLARK, Lt. & Adjt., NWMP
A. SHURTLIFF, Sub Inspector
C.E. DENNY, Sub Inspector
W.D. ANTROBUS, Sub-Inspector
FRANK NORMAN, Staff Constable
MARY J. MACLEOD
JULIA WINDER
JULIA SHURTLIFF
E. HARDISTY
A. McDOUGALL
E.A. BARRETT
CONSTANTINE SCOLLEN, prst.

Witness to signatures of Stamixosak and those following

CHARLES E. CONRAD

THOMAS J. BOGY

Recorded 18th February 1878.

Lib: 60. Folio 66.

L.A. CATELLIER, Dep. Registrar General of Canada.

APPENDIX M - 2

COPY OF TREATY WITH THE BLOOD TRIBE (1883)

ARTICLES OF A TREATY made and concluded this second day of July, in the year of Our Lord eighteen hundred and eighty-three, between "Her Most Gracious Majesty the Queen" of Great Britain and Ireland, by Her Commissioners, the Honourable Edgar Dewdney, Commission of Indian Affairs and Lieutenant-Governor of the North-West Territories, and James Farquharson Macleod, C.M.G., Stipendiary Magistrate, of the one part, and the Blood Indians, by their Head and Minor Chiefs in council assembled, of the other part.

Whereas by a treaty made and concluded on the twenty-seventh day of September, in the year of Our Lord 1877, between Her Majesty the Queen, by Her Commissioners, the Honourable David Laird and the said James Farquharson Macleod, C.M.G., of the one part, and the said Blood Indians, and the Blackfeet, Piegans, Sarcee and Stoney Indians, of the other part, it was amongst other things provided in the words following, that is to say:

It is also agreed between Her Majesty and Her said Indians that reserves shall be assigned them of sufficient area to allow one square mile for each family of five persons, or in that proportion for larger and smaller families, and that said reserves shall be located as follows, that is to say:

First, the reserves of the Blackfeet, Bloods, and Sarcee Indians shall consist of a belt of land on the north side of the Bow and South Saskatchewan Rivers, of an average of four miles along said rivers down stream, commencing at the point on the Bow River twenty miles north-westerly of the "Blackfoot Crossing" thereof, and extending to the Red Deer River at its junction with the south Saskatchwewan; also for the term of ten years, and no longer, from the date of the concluding of this treaty, when it shall cease to be a portion of said Indian reserves as fully to all intents and purposes as if it had not at any time been included therein, and without any compensation to individual Indians for improvements, of a similar belt of land on the south side of the Bow and Saskatchewan Rivers, of an average width of one mile along said rivers, down stream, commencing at the aforesaid point on the bow River and extending to a point one mile west of the coal seam on said river, about five miles below the said "Blackfoot Crossing"; beginning again one mile east of the said coal seam and extending to the mouth of Maple Creek at its junction with the South Saskatchewan, and beginning again at the function of the Bow River with the latter river, and extending on both sides of the South Saskatchewan in an average width on each side thereof of one mile along said river against the stream to the junction of the Little Bow River with the latter river.

And whereas the said Blood Indians have requested that a reserve other than and in lieu of that described in the said hereinbefore in part recited treaty should be granted to them, and it hath been agreed, by the parties hereto, that the reserve hereinafter described shall be granted to them as such reserve.

These Articles witness that Her Majesty the Queen, by Her said Commissioners, parties hereto, doth grant unto the said Blood Indians.

All that certain tract of land in the North-West Territories, Canada, butted and bounded as follows, that is to say: Commencing on the north bank of the St. Mary's River at a point in north latitude forty-nine degrees twelve minutes and sixteen seconds (49 12'16"); thence extending up the south bank of the latter river to a point thereon in north latitude forty-nine degrees, twelve minutes and sixteen seconds (49 12'16"), and thence easterly along a straight line to the place of beginning; excepting and reserving from out the same any portion of the north-east quarter of section number three, in township number eight, in range twenty-two, west of the fourth Principal Meridian, that may lie within the above mentioned boundaries; to have and to hold the same unto the use of the said Blood Indians forever. An in consideration of the premises the said Blood Indians, by their Head and Minor Chiefs, in council assembled, do hereby release Her Majesty the Queen all the reserve mentioned and described in the said hereinafter in part recited treaty and all their interests therein.

An it is hereby lastly fully understood and agreed by and between the parties hereto that all th stipulations mentioned and rights reserved to Her Majesty the Queen in the said hereinbefore part of recited treaty shall apply to the reserve granted to the said Blood Indians by there articles.

IN WITNESSES WHEREOF, Her Majesty's Commissioners, and the said Blood Indian Indian Head and Minor Chiefs, have he hereunto subscribed and set their hands at the Blood Reserve.

Signed by the said Commissioners and the above named Head and Minor Chiefs in presence of following witnesses, the same having been first explained to them by David Mills, Blackfoot Interpreter.

C.E. DENNY, Indian Agent
L.N.F. CROZIER
JOHN C. NELSON
D. MILLS
W.C. McCORD
H.T. BOURNE
JOS. POTANA HEALY

E. DEWDNEY,
Indian Comm. and
Lieut.-Gov.
JAMES F. MACLEOD,
Commissioner
MEKASTO, or Red Crown
PA-KAH-POTAKAN, or Bad Head
SAKOOYE STOMAX, or Hind Bull
AKKA-KIST-SIPIAMY, or Many
Spotted Horses
KAYTE-SUM, Or Old Moon
PAY-IN-NA-QUAIM, or Captive
or Stolen Person
PAW-WOW-KASI, OR WHITE
Antelope
MA-QUAI-I-QUIM, or Wolf
Collar
PETE-OTOKAN, or Eagle Head
ONISTAH-POKAH, or White
Calf

(away)

NETAH-KIST-SIPEMY, or

One Spot

AKUK-OTAS, or Many Spotted Horses

STOMIX-OTRE-KA-PE, or Bull Turn Round

KAYE-TAPO, or Going to the Bear

STAMIX-AH-OTAN, or Bull Shield

SEXEKAH-E-PE-TUKE, or Blackfoot Old Woman

APE-SO-NKEUGH-KUN, or Running Wolf

KAQUAI-IS-TU-PISTAU, or Strangled Wolf

Recorded 20th March, 1885.
Lib. 95, Fol. 554.
L.A. CATELLIER,
Deputy Registrar-General of Canada.

Volume

2

Volume 2

POLICING IN RELATION TO THE BLOOD TRIBE

REPORT OF A PUBLIC INQUIRY

COMMISSIONER'S REPORT

EXECUTIVE SUMMARY

1991

POLICING IN RELATION TO THE BLOOD TRIBE

REPORT OF A PUBLIC INQUIRY

Volume 2: Executive Summary

Assistant Chief Judge C. H. Rolf
Commissioner

February 1991

Printed on Recycled Paper

Published on the authority of the Lieutenant Governor in Council by the Commission of Inquiry - Policing in Relation to the Blood Tribe

ISBN - 0-7732-0534-9 (Volume 2)
ISBN - 0-7732-0534-9 (Set)

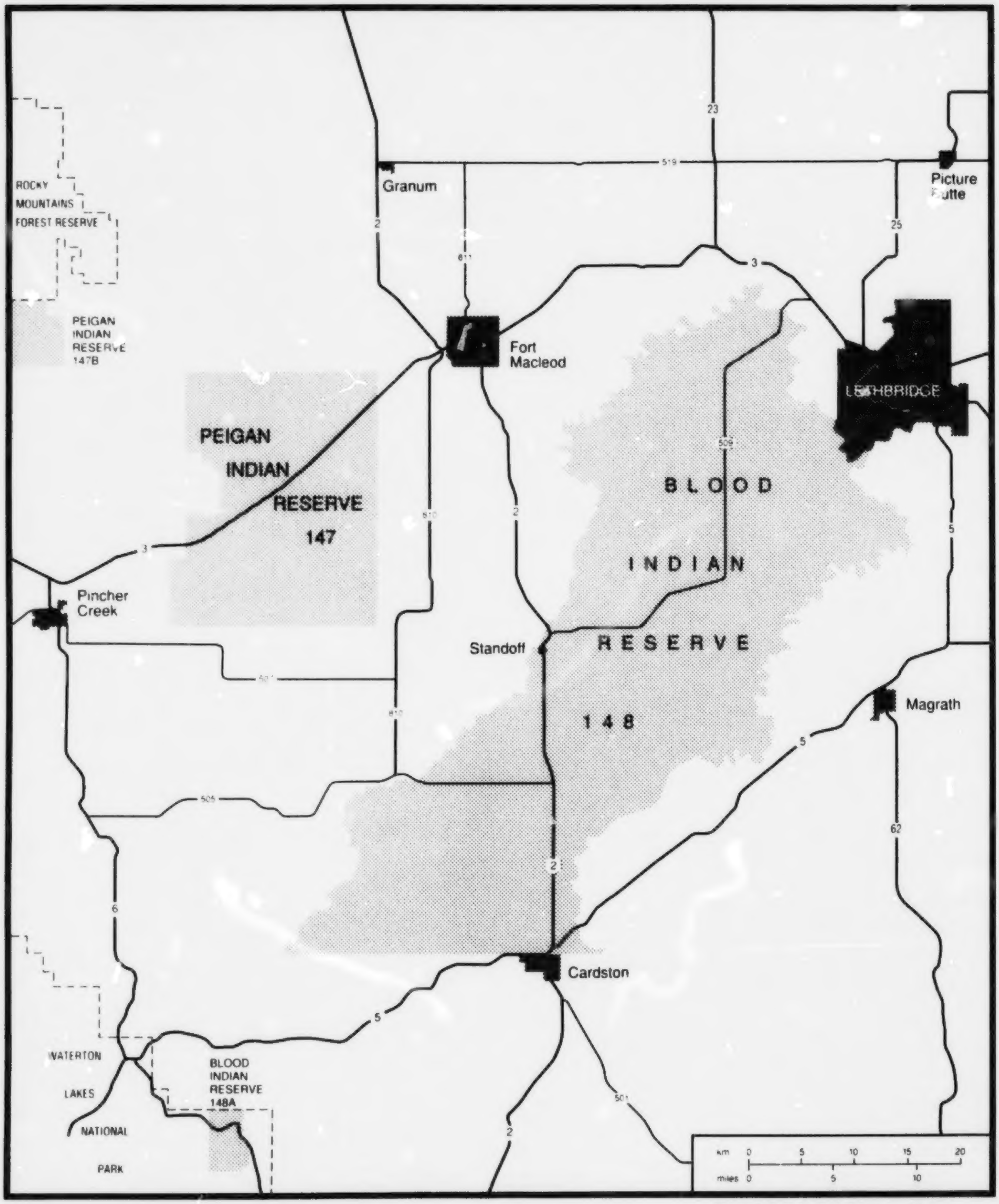
CONTENTS

1. INTRODUCTION TO THIS PUBLIC INQUIRY 1

2. CONCLUSIONS RESPECTING SPECIFIC TERMS OF REFERENCE 7

3. RECOMMENDATIONS 15

Area Location – Blood Indian Reserve


ROCKY MOUNTAINS FOREST RESERVE
PEIGAN INDIAN RESERVE 147B
PEIGAN INDIAN RESERVE 147
Granum
Picture Butte
Fort Macleod
LETHBRIDGE
BLOOD INDIAN RESERVE 148
Pincher Creek
Standoff
Magrath
Cardston
WATERTON LAKES NATIONAL PARK
BLOOD INDIAN RESERVE 148A
23
519
2
811
3
25
509
810
5
507
505
62
6
501
km 0 5 10 15 20
miles 0 5 10

Standoff to Lethbridge - 75 km
Standoff to Cardston - 33 km
Standoff to Fort Macleod - 33 km

1. INTRODUCTION TO THIS PUBLIC INQUIRY

On April 20, 1988 Chief Roy Fox of the Blood Tribe forwarded a letter to the Premier of Alberta, The Honourable Don Getty. In this letter, Chief Fox indicated the Blood Tribe:

> "...is greatly concerned about the increasing incidents of deaths and murders of our members under peculiar and mysterious circumstances." and the "...apparent unwillingness/inability of the authorities to solve these tragedies."

Chief Fox stated there was an apparent double standard involved based on race and that the authorities appeared intent on maintaining a low profile level in such cases.

A Public Inquiry was demanded by Chief Fox to pursue these matters. His letter discussed several cases, including the homicide of Bernard Tallman Jr., a young Blood Tribe member, whose body was found on March 31, 1988.

The Premier's Office responded April 21, 1988 to confirm receipt of Chief Fox's letter and to advise that the Alberta Solicitor General and Attorney General were reviewing the letter's contents and would respond directly.

The Department of the Alberta Solicitor General formally advised the Royal Canadian Mounted Police on April 28, 1988 that a further investigation should be conducted into allegations contained in Chief Roy Fox's letter to the Premier. Superintendent C. Cooper completed this review May 19, 1988. Five deaths were reviewed in detail. As a result of this re-evaluation, the Department of the Solicitor General concluded that these deaths had now been thoroughly investigated and there was no need for a Public Inquiry. The Blood Tribe, however, still demanded a Public Inquiry.

During this same period of time, further developments occurred which heightened tensions and reinforced calls for a Public Inquiry. On April 29, 1988 the Royal Canadian Mounted Police arrested and charged two white men with the murder of Bernard Tallman, Jr. The accused were remanded at the Lethbridge Courthouse May 6, 1988. As they were being moved, a disturbance occurred within the Courtroom, and soon spread throughout the Courthouse and onto the street. Allegations appeared in the media concerning the possibility of a white gang systematically hunting down and murdering Natives. Blood Tribe members were quoted as being uneasy and concerned over the safety of their family members.

Mary Louise Many Grey Horses, mother of one of the deceased in question, sent a letter to the Premier June 12, 1988 that questioned the Royal Canadian Mounted Police investigation into her son's death. Mrs. Many Grey Horses requested that the Premier convince the Alberta Solicitor General to institute a Public Inquiry. To emphasize this request, Mrs. Many Grey Horses initiated a "Run For Justice" June 14, 1988 from Standoff to Edmonton to meet with the Premier.

On June 16, 1988 the Premier and the Alberta Solicitor General met with Chief Roy Fox and other Blood Tribe members. It was agreed that a Public Inquiry would be called to remove any outstanding doubts and concerns. Negotiations to develop the Terms of Reference were to be initiated. The Premier met with Mrs. Many Grey Horses the following day and agreed that her views had merit.

A letter from the Department of the Solicitor General June 20, 1988 instructed the Royal Canadian Mounted Police to reopen the investigation of certain deaths on a priority basis. There was a need to contact Chief Roy Fox and other relatives of the deceased to complete this review. The review was completed and this expanded report was submitted March 1, 1989 to Assistant Commissioner G. Greig, the Commanding Officer of Royal Canadian Mounted Police Divisional Headquarters ('K' Division). Several aspects of the cases under review had required further investigation in other provinces thus extending the time frame for completion.

Government of Alberta representatives and the Blood Tribe held a series of meetings regarding the Terms of Reference of the Inquiry. The first meeting was held June 23, 1988. The Alberta Solicitor General announced March 2, 1989 that an agreement had been reached between the Blood Tribe and the Province of Alberta on the Terms of Reference for this Public Inquiry. An Order-in-Council to that effect was signed March 2, 1989. Assistant Chief Judge C. H. Rolf of the Provincial Court of Alberta was appointed the sole Commissioner with the consent and concurrence of all parties involved.

The Commissioner chose both Commission Counsel and Commission Administrator. They in turn were responsible for developing operational and administrative guidelines for the Inquiry.

Commission Counsel, in consultation with other registered Counsel with standing, proposed that evidence be heard within three main categories or phases. The Commissioner agreed and directed that evidence be heard in these categories.

Phase I examined a number of Sudden Deaths identified by the Blood Tribe where circumstances were considered suspicious or the investigation was perceived by the Blood Tribe to be incomplete or unacceptable.

Commission Counsel reviewed a total of 105 Sudden Deaths. Through mutual consultation and subsequent agreement with Blood Tribe Counsel, Blood Tribe researchers and other representative counsel these were reduced to 17 actual cases (involving 20 Sudden Deaths) examined in open hearings. Thirteen of these deaths were examined in significant detail, while the other seven required only expert medical testimony and, where appropriate, a brief summary of police information to adequately describe the situation.

Among the general observations arising out of Phase I of the Inquiry are the following:

- The undeniable tragedies associated with the Sudden Deaths investigated in open hearings were reflected in the testimony of witnesses, Native and non-Native, who appeared before this Commission.

- Alcohol abuse on the Blood Reserve is a serious problem that the Blood Tribe itself is becoming increasingly aware of and concerned about.

- Alcohol use and abuse has, however, masked other medical and legal issues. Assumptions about alcohol were made in certain Sudden Deaths that hindered full and objective reviews by police forces, medical examiners and pathologists.

- Blood Tribe members no longer viewed the Royal Canadian Mounted Police as their "protector", but rather as the "enforcer" of white man's laws. Partly as a result of this, they have a reticence to express their fears and concerns openly to police.

- At times during the investigations, police officers showed cultural insensitivity and paternalism towards the Indians. The Commissioner believed that this was not a conscious bias on the part of police officers, but rather a basic lack of cultural knowledge about the Indians.

- There was confusion in certain cases over who had jurisdiction in the police investigation. This was at times compounded by a lack of communication between the investigating police forces. Unnecessary delays and frustrations were thus created.

Phase II examined an incident that occurred in the summer of 1980, generally referred to as the Cardston Blockade. This was a confrontation between the Blood Tribe, the Government of Canada (regarding outstanding land claims), the Royal Canadian Mounted Police, and the Town of Cardston and its citizens.

The Cardston Blockade was regarded as the watershed event which publicly highlighted the Blood Tribe's perception of policing, particularly policing by the Royal Canadian Mounted Police. For this reason, the Commissioner ruled that the Cardston Blockade should be included within the Terms of Reference of this Inquiry.

Among the general observations arising out of Phase II of the Inquiry are the following:

- The Natives believed that since the lands on which they set up the blockade were originally part of the Blood Reserve, there was nothing illegal about their occupation.
- The Blood Tribe blockaders failed to grasp the complex legal situation they found themselves in in trying to commit the Federal Government to the bargaining table to resolve their land claims and concerns.
- They also mistakenly thought that the police would help them achieve their objectives and that the Cardston merchants would be sympathetic to these objectives.

- The Cardston merchants were, in fact, most unhappy and unsympathetic. The Royal Canadian Mounted Police perceived the situation as a breach of law and as an act endangering the peace.

- From the Royal Canadian Mounted Police perspective, it was forced to use minimum force to uphold the law, restore order and keep the peace. The Blood Tribe members, however, were shocked at what they perceived as excessive force being used against them and their non-violent demonstration.

Phase III reviewed Native culture and how it perceptually interacts with federal and provincial policing policies and procedures. Both historical and current events were examined from Native and non-Native perspectives.

Phase III looked at the kind of policing Blood Tribe members themselves would like to see on the reserve. It also looked in detail at the role of the Royal Canadian Mounted Police, the traditional police force delivering police service to Indian communities.

The Blood Tribe's two attempts at self-policing - Blood Tribe Police I and II - were examined in depth. The results of that examination form the basis for many of the Phase III Recommendations contained in this report. These recommendations have, as a major objective, the establishment of a stand alone Blood Tribe Police Force.

Among the general observations arising out of Phase III of the Inquiry are the following:

- The underlying causes of the problems facing the Federal, Provincial and Indian Governments in their negotiations, must be addressed if new policing initiatives are to be anything more than temporary stop-gap measures. The Indians must be seen as equal partners in all negotiations, if these negotiations are to have any hope of success.

- In the past, resolutions of problems have been handed to the Indian people without negotiation or consultation, thus dooming those resolutions, regardless of their merit, to failure.

- Self-policing by the Blood Tribe presents a most difficult problem. It is one external manifestation of the Blood Tribe's wish for independence and self-government.

- The Blood Tribe has a strong desire to have a "community policing" system that is sensitive to its cultural traditions and to the needs of its community. The "response to complaint" style of policing is not acceptable to the Blood Tribe.

- Stable, long term funding must be mutually resolved and guaranteed by all funding sources if attempts at developing a stand alone, accredited Blood Tribe Police Force are to succeed.

During the course of this Public Inquiry, there were a total of 86 hearing days between the May 9, 1989 opening and the adjournment by the Commissioner March 28, 1990. The Commission heard a total of 232 witnesses in these open hearings, and viewed 163 separate exhibits. This resulted in over 14,000 pages of sworn testimony and many thousands of pages of exhibits being entered at this Inquiry.

The Commissioner reconvened the Commission of Inquiry for two days, October 3 and 4, 1990, in order to give Counsel with standing an opportunity to present summation or closing statements.

2. CONCLUSIONS RESPECTING SPECIFIC TERMS OF REFERENCE

2.1 Inquire into the treatment by the police of members of the Blood Tribe when they are arrested and detained prior to speaking to legal counsel or prior to appearing before a Hearing Officer or before a Judge.

Conclusion:

The witnesses testifying before this Inquiry did not disclose evidence of physical abuse of persons arrested by the Royal Canadian Mounted Police, or the Lethbridge City Police in the isolated cases it dealt with, during the investigations conducted into the Sudden Deaths.

During the Cardston Blockade there is no doubt that there was force used which the Blood Indians perceived as excessive. The Royal Canadian Mounted Police felt the amount of force it used was justified in the face of the resistance exhibited by some of the Blood Indians who were arrested. This was an incident which had the potential for explosive violence. It was a classic confrontation where, given the circumstances, no peaceful resolution was negotiable because of the strong belief by all parties that they were acting in a reasonable manner. They believed that their conduct was based on their right to act in the manner they did.

The Royal Canadian Mounted Police has dealt mainly with the Blood Indians in cases where the problem was basically alcohol or substance abuse, and the criminal charges which flowed from this, such as assaults and family violence. In the first instance the police respond to a complaint which the Indian initiates. Upon arrival, the Royal Canadian Mounted Police is immediately placed on the defensive. This is particularly so if it is a domestic situation. This is not unusual in any of the cultures of the Canadian mosaic. In the case of the Blood Indian, it is very pronounced because of the cultural differences. The Bloods are a close family unit, even into the extended family. This, combined with their natural reticence towards authority figures aligns the Indian against the police. The Blood culture expects the police to remove the cause of disruption, but really no more than that. The police, on the other hand, see a criminal event and they arrest the cause and take that person to jail.

The "White" response to crime is to apprehend, convict and punish. The Blood culture seeks a different resolution to the incident. Theirs is a civil rather than a criminal approach. If some harm has been done, then there must be a suitable compensation awarded the aggrieved person or family. The intent is to cleanse the aggressor and put him back into society as a continuing useful person. The element of punishment of the transgressor is the very last resort. It is at this point that it becomes important to consider the culture of the Bloods and to understand it. The cultural differences may cause the Blood Tribe member to consider the form of apprehension and subsequent processing as being abusive. The police agency sees it only as another arrest and booking.

2.2 Inquire into how the police verify the accuracy of information upon which a charge is based prior to an investigating police officer recommending that charges be laid against members of the Blood Tribe.

Conclusion:

The experienced police officer in the field should investigate Native claims or information further and in more detail to see whether the factual belief of the Indian is based on his/her own knowledge, or if the "perception" is based on information received from someone else. Traditionally the spoken word was at the heart of the integrity of a Blood Indian. No written language existed and therefore the truth of oral communication was accepted as basic truth. It is culturally a fact that when a Blood Tribe member relates an incident it is considered as being true as if the witness had seen it personally.

The integrity of oral communication has been eroded as is evident by the rumours that arise around Sudden Deaths. In the Sudden Death cases investigated by this Inquiry, there was evidence that this had occurred. The police generally contacted various witnesses to cross-check their information. There were some inconsistencies in evidence that should have at times been investigated in greater detail. The resolution of these matters would have made the situation more understandable to the Indian within the framework of his cultural perception.

It again emphasizes the requirement of cross-cultural education specifically tailored for the reserve, in this case the Blood Reserve. Officers need to fully understand the non-verbal or reticent manner in which Blood Tribe members communicate their concerns or fears. They must not be so quick to accept the verbal responses as being what the Indian is in fact wishing to communicate. The exercise of patience must be practised.

2.3 Inquire into the treatment by the police of relatives of members of the Blood Tribe in those situations where the police make contact with and question relatives following the death of a member of the Blood Tribe and during police investigations into matters that could lead to charges against members of the Blood Tribe.

Conclusion:

It has been stated time and time again in testimony before this Inquiry that there is no conscious bias on the part of the police personnel in their dealings with the Blood Indians. There are probably times where an unconscious reaction of the police officers is to make light of certain situations in an attempt to alleviate the apprehensions of the next of kin or even friends and family of persons being charged. This is not appreciated by the Native people, as their evidence has shown. Some Native people were deeply hurt and offended through their interaction with the police in certain of the Sudden Death cases. A certain insensitivity was perceived in some investigations, however, the Commissioner does not conclude this behaviour to be a deliberate act to offend or show disrespect. It is a perceptual matter for the Blood Indians rooted in their culture which is foreign or certainly unknown to the police officer. Again, cross-cultural education specific to the Natives involved is highlighted as absolutely necessary.

2.4 Inquire into how the police have investigated the deaths of members of the Blood Tribe, in those situations where the deaths are not by natural causes or are of a suspicious nature, or when the cause of death is not conclusive.

Conclusion:

This Inquiry heard a great deal of the perceptions of the Blood Indians in their dealings with the police. It also heard a great deal of the misconceptions that the Native has in his interpretations of the general laws governing the outside population. Once the actual investigations were launched by the police agencies involved (i.e. Royal Canadian Mounted Police and Lethbridge City Police) there is no evidence of bias or racism due to the deceased being a Native. Some concerns about the completeness of some of the investigations were valid, but this was not due to bias or racism, but rather a criticism of the thoroughness of the individual officers involved. The Indian, however, could very well perceive this as a bias.

The initiation of investigations in certain cases was, at times, confused due to regional policing jurisdiction problems compounded by the reticence of the Natives in explaining or clarifying their particular concerns. The police did not appear to appreciate this factor in certain cases. The police, at times, did not appear to give sufficient importance to the Indian's concerns in cases of missing persons. That police investigations are in some way flawed or incomplete when Native people are involved is a Native perception that both Indian and police must tackle in order to develop communications based upon mutual trust. In this way the "rumours" of bias or racism will be laid to rest and a start to achieving mutual respect will be made.

2.5 Inquire into the thoroughness of any police investigation into any prior death of a member of the Blood Tribe that occurred off the Blood Reserve, which in the opinion of the Commissioner was not previously thoroughly investigated.

Conclusion:

This "Term of Reference" has been answered in 2.4.

2.6 Inquire into whether there was any bias during any aspect of any police investigation into any prior off-reserve death of a member of the Blood Tribe once it was established that the victim was a member of the Blood Tribe; and, whether there was a bias that influenced the manner in which the death was investigated by the police or the priority given to the death by the police.

Conclusion:

The evidence is relatively clear that a bias in respect to the misuse/abuse of alcohol was apparent in the police investigation of certain Sudden Deaths. The police were all too familiar with cases of alcohol abuse and this contributed to the Natives perceiving that a lesser priority was assigned to such cases. Investigations were not always complete or thorough though this was because of assumptions made regarding alcohol. The approach to an investigation always seemed to carry the stigma of alcohol. The Commissioner believes the bias was related to alcohol abuse and was not motivated by racial concerns.

Dr. John Butt, Chief Medical Examiner, was emphatic in his analysis of this matter that alcohol and not racial origin influenced the police perception.

2.7 Inquire into the adequacy of policing provided on the Blood Reserve both by the RCMP and the Blood Tribe Police Force, as presently constituted.

Conclusion:

The Royal Canadian Mounted Police has provided an adequate policing service to the Blood Tribe over the years. It is regrettable that the policing service delivered by the Royal Canadian Mounted Police has developed into the "response to complaint" style from the old "community policing" style of earlier years. This latter style of policing is much more appropriate to meet the cultural needs of the Bloods and, therefore, the level of service expected by the Blood Community.

It is this "response to complaint" standard of policing which has given such impetus to the Blood Indians desire for their own stand alone accredited police force. The Commissioner has been advised that the Royal Canadian Mounted Police is responding to the Native wish to be involved in their own policing. However, it may well be too late to satisfy the large reserves with anything short of their own stand alone Native Police Force. The Bloods are pragmatic and understand that the Provincial Police Force will be required to provide the back-up upon request during any phase-in period until the Blood Tribe Police become a stand alone force. As well, they understand that when accreditation is achieved, the back-up will always be the Provincial Police Service regardless of how and by whom this service is delivered.

It is unfortunate that the first Blood Tribe Police pilot project of the late 1970s and early 1980s failed. The reasons are set out in section 4.5 of Volume 1 of this report. It is an experience to be drawn from and will hopefully lead to the future success of self-policing the reserve. It is in this area that the Provincial Police and the Blood Police must work closely together under the close scrutiny of the Provincial Director of Law Enforcement.

The second Blood Tribe Police project is developing in a similar manner to the first one. There are problems with the current police project that mask any true assessment of the Blood Tribe Police Force's competence. A forum of free discussion and exchange of information is required to iron out the problems facing this new fledgling force.

With the certainty of funding and the renewal of commitment on the part of the concerned levels of leadership, this force will survive and be able to provide an effective and acceptable standard of policing to the Blood Tribe. If there is any holding back of these commitments of funding and support, then this newest effort will likely go the way of the first project.

2.8 Inquire into the level of knowledge of police officers of Native culture generally and more particularly their awareness of the Blood Tribe culture.

Conclusion:

The evidence has disclosed time and time again, that even those police officers in the field had gained only a superficial knowledge of the Blood culture. It has been stressed that cross-cultural training, specific to the Blood Tribe, must be instituted with the agreement and the assistance of the Blood Tribe Elders and current leadership.

2.9 Inquire into the effectiveness of existing communications between the Blood Tribe leaders and members and the police forces.

Conclusion:

The evidence made much of the lack of communication between the Blood Tribe members and the respective police forces prior to this Inquiry being constituted. Examples included the Cardston Blockade and its aftermath as well as certain of the individual Sudden Death investigations. The Commissioner can only conclude from the evidence and testimony that such lack of communication existed and was a major obstacle to police-tribe member interaction.

The Royal Canadian Mounted Police indicated it was unable to access the Blood Tribe Chief and Counsel after the Cardston Blockade occurred. Chief Fox agreed that this attitude was prevalent with respect to Council meeting with the Royal Canadian Mounted Police. Council Members felt such meetings would not serve any purpose. The Chairman of Protection Services became the Royal Canadian Mounted Police conduit to the Tribe leadership rather than the Police Commission.

The Commissioner of this Inquiry was then advised of the renewed commitment to communication and understanding by the Blood Tribe Chief and representatives of both the Royal Canadian Mounted Police and the Lethbridge City Police. The Commissioner was pleased to hear of the re-establishment of a Royal Canadian Mounted Police Liaison Officer to the Blood Tribe and its new police force as well as a Native Liaison Officer being recruited by the City of Lethbridge. It is hoped such positions will be filled by seasoned professionals in their respective fields. It is further hoped that such a liaison position will continue to be of direct assistance in the development phases of the Blood Tribe Police project.

The Commissioner concludes that existing communications are still fragile but are improving under a climate of cooperation. The initiation of formal discussions at senior representative levels and communication seminars/workshops at Police Commission levels would foster a continuation of knowledge of each other's laws and customs.

2.10 Inquire into any perceptions that Blood Tribe members have of the police forces and any perceptions that the police forces have of Blood Tribe members, and how these perceptions affect the relationship and interaction between police officers and members of the Blood Tribe.

Conclusion:

The perceptions of both the Blood Tribe members and the respective police officers are influenced by the lack of knowledge of cultural differences by both parties. These perceptions have been addressed in the Terms of Reference 2.3 and 2.4. The improved communications outlined in Terms of Reference 2.9 should assist the perceptions in question to become more objective and less influenced by rumours.

2.11 Inquire into any other matter, as determined by the Commissioner, that is directly related to the above described areas and that could facilitate this Inquiry.

Conclusion:

Other matters determined by the Commissioner to be of relevance to this Inquiry are included, in part, in the General Observations Sections - 2.5, 3.5 and 4.8 or in Section 5.2 - Matters Beyond the Terms of Reference of the Inquiry from Volume 1 of this report.

3. RECOMMENDATIONS

3. RECOMMENDATIONS

The Commissioner believes the following recommendations should not be viewed as attaching blame but instead should be seen as an attempt to find constructive solutions. As stated by the Honourable Adrian Roden, Q.C. in his paper (August 6, 1990) on Aboriginal Deaths in Custody in Australia:

> "It is easy, but rarely justified, to judge yesterday's conduct by today's enlightenment ... Those who condemn past generations on present standards, will doubtless themselves be condemned by generations to come."

3.1 PHASE I

1. *There is an urgent need to identify and implement an on-going cross-cultural training package that is relevant to the Blood Tribe for both non-Native and Native police officers.*

   The three police forces under discussion (Royal Canadian Mounted Police, Lethbridge City Police, Blood Tribe Police) could benefit from not only the content of the course but also from the interaction of colleagues in pursuing a common goal of delivering a sensitive, acceptable police service to the Blood Tribe community. It is this type of training which will foster mutual understanding and respect between the police officers from different cultures and geographic locations. This is important to the non-Native officer for on-reserve duties and for dealing with the Native in urban settings. It is also important for the Native police officer in dealing with his own people. Evidence from the Blood membership has indicated that many of their members, including Native police officers, are not fully familiar with their own culture and customs, including their Native language.

2. *There is a need for the respective Police Commissions and detachment commanders to mutually develop and deliver seminars or workshops aimed at providing information and insight for Blood Tribe members into the criminal justice system.*

The Lethbridge Community College may well be the vehicle to help establish, through mutual consultation and agreement, the framework for such workshops to explain to the Indian people the workings of the "white man's laws".

3. *The Blood Tribe, in conjunction with the relevant police forces, should endeavour to break the conduct or barrier of reticence that is shown by Native people in their dealings with the police forces generally and in specific cases.*

A full review of a case can minimize frustrations and lead to increased respect and acceptance between both Native and non-Native. The evidence has been clear that because of the history of interaction between the Natives and persons of authority, the Natives have become unwilling to fully communicate with such persons (ie. Royal Canadian Mounted Police).

Increased positive social interaction between police officers, police commission members and Blood Tribe leadership and members is necessary to rebuild trust and respect.

4. *Police should promptly review all concerns regarding missing persons, and promptly initiate the investigation of such missing persons.*

Failure to carry out this recommendation allows for a vacuum in which unfavourable conclusions may be drawn by the Native people. Such conclusions feed the rumour mill and such interpretation takes on the mantle of truth among the Natives.

The Commissioner notes that the taking of information on missing persons is presently a policy within the Royal Canadian Mounted Police but needs to be reinforced and brought to the attention of detachment commanders.

5. *The police service receiving the "complaint" of a missing person should resolve the jurisdictional question at the police level, rather than passing the complainant from service to service.*

   The Commissioner is pleased that the Chief of Police for the City of Lethbridge has initiated a policy requiring every complaint to be taken. The jurisdictional responsibility will be resolved at a later date. This removes the frustrations of the complainant and should improve the current perception of the Lethbridge City Police Force by the Native.

6. *The police, in their final analysis of an investigation of a Sudden Death, should exercise great care in developing suitable scenarios to "close the file".*

   The objective of such investigations is not to develop a scenario to close the file, but rather to resolve the evidence to enable the families (in this Inquiry, the Natives) to draw the only "reasonable" conclusion. This would minimize the rumours which have caused such anguish among the bereaved families.

7. *The Fatality Review Board under the Fatality Inquiries Act must be very cautious in relying upon the "final scenario" assembled by police officers in deciding not to hold a Public Inquiry into a death.*

   The Commissioner believes it is imperative to carefully review the need for a Fatality Inquiry in Native deaths. A Public Inquiry is important to the Native as it gives certainty to the cause of death and identification of the victim. Another important function is to minimize the rumours.

8. *The Royal Canadian Mounted Police and Lethbridge City Police must establish and/or maintain appropriate and relevant mechanisms with the Blood Tribe for the notification of next of kin in Sudden Death cases. The Blood Tribe Police must be involved in these procedures.*

   The Commissioner was pleased to note the family debriefing process implemented during this Inquiry by the Royal Canadian Mounted Police and Lethbridge City Police after each Sudden Death, Native and non-Native. Families of deceased Blood Tribe members should be kept abreast of any ongoing investigations by the respective police members as a matter of course and courtesy.

9. *A more efficient procedure should be developed through the Chief Medical Examiner's Office, to notify the next of kin regarding the cause of death, especially in rural areas like the Blood Tribe Reserve.*

Discussions regarding such a procedure occurred between the Chief Medical Examiner and the Commissioner during the Public Hearings. The Chief Medical Examiner indicated a willingness to review this with the idea of developing a more reliable process that ensures communication in a more sensitive manner.

It is necessary to ensure that the next of kin be advised of the cause of death and this has proven ineffective in the past. The Native concept of next of kin is broader in scope than that of the white man's. Therefore, the Blood Tribe Police should be consulted in this regard. It is suggested that the police, as investigators to the Chief Medical Examiner's Office in rural areas, accept the final responsibility of notifying such next of kin since they usually are in contact with them.

10. *The policy of police forces regarding unconscious persons is to be adhered to in all cases.*

This will entail taking the person to a medical facility and obtaining a medical opinion on his/her condition prior to lodging the person in cells. If there is any doubt as to whether the individual is actually unconscious or only "passed out" from alcohol or other chemical substances, the police officer should obtain a medical opinion.

11. *The Chief Medical Examiner should re-emphasize diligence on the part of medical examiners in their classifications of deaths where medical conditions may have been masked by alcohol.*

12. *Pathologists, when they cannot find evidence of a cause of death, must exercise great care in coming to their conclusions, particularly if there has been alcohol consumed prior to death which would tend to mask other symptoms.*

Evidence before the Inquiry has shown that the Chief Medical Examiner has been fully aware of the problems regarding recommendations 11 and 12, but it is important to bring this to the attention of the pathologist and the medical examiner. Any uncertainty must be removed otherwise the next of kin will begin to speculate and doubts will become magnified.

13. *The Chief Medical Examiner should hold discussions with the police forces as to the desirability and feasibility of making the pathologist's report available to the police force concerned on a confidential basis.*

At present, the police information as to cause of death appears to come from the notes of the officer attending the post mortem examination by the pathologist. These are made from the running commentary of the pathologist and may not be really complete or reflected in the final certificate of death.

Information from the pathologist's report is vital to the police in conducting their inquiries and this final information would be most valuable to them.

3.2 PHASE II

The Cardston Blockade was examined in depth because it showed a polarization of the respective perceptions held by the Blood Tribe, Royal Canadian Mounted Police and the officials/citizens of Cardston. This situation became the classic example of how a relationship previously based on trust and respect was eroded by misunderstanding, misinterpretation and poor communication.

Each of the respective groups firmly believed that they were acting appropriately. Unfortunately, they were working at cross-purposes due to their erroneous perceptions of each other. The resulting confrontations and violence fostered feelings of distrust, frustration and dismay among all groups.

Recommendations which conceivably could have been developed from this phase of evidence will be included with those developed from the Phase III testimony.

3.3 PHASE III

14. *The Blood Tribe must be consulted by the police, whether Royal Canadian Mounted Police, Blood Tribe Police or both, to ascertain what model of policing service is expected by the community.*

In this fashion, the standard to be delivered will be established. It must be kept in mind that the Province of Alberta is responsible for the standard of justice by virtue of its overall responsibilities for the administration of justice and enforcement of the Criminal Code.

The forum in which this consultation would best occur is that of the Blood Tribe Police Commission.

15. *Federal, Provincial and Chief and Council representatives should resolve long term (minimum five years) funding guarantees for the Blood Tribe Police Force with provision for responsibility for any financial short-falls.*

Some considerations to be resolved and agreed to, without limiting the scope of these negotiations, would include:

i) Salary scale, on the basis of a comparative police force, including pension, medical insurance, liability insurance, etc. in the total pay package;

ii) Equipment for police and administrative staff, procurement and maintenance;

iii) Any other related specifics in the cost of operating a police force.

The Commissioner believes this is a step of utmost importance to ensure that this particular aspiration of the Blood Tribe to develop an accredited police force is attained.

The Blood Tribe Chief and Council need to recognize on an on-going basis the complexities of managing a stand alone police force. The commitment to having their own Police Force must be continuing and unfailing.

16. *Funds identified for the Blood Tribe Police Force, including the Blood Tribe Police facility, should be placed under the auspices and sole control of the Blood Tribe Police Commission.*

    This structurally removes these funds from the competing priorities of other Blood Tribe departments that beset Chief and Council. It reinforces the independent role of the Police Commission as established by the Blood Tribe by-law. It will ensure stability and continuity of funding, thus enhancing the choice of "police officer" as a career by Blood Tribe members.

17. *The Blood Tribe Police Commission must assume its mandate for providing policy direction and approval of all fiscal matters for the Blood Tribe Police Force.*

    It is unfortunate that the Commission was not appointed prior to the planning and development of the police force. It must work diligently to overcome this handicap and take charge. The Police Commission must not delegate any of its fiscal responsibilities to the Police Chief whose duty is to oversee the daily operations of the police force and to carry out the Police Commission directives.

18. *Capital expenses for present or future police facilities should be agreed upon in advance by the involved levels of government.*

    This will remove the need for on-going fund raising for the facility. It will ensure the immediate construction as well as on-going maintenance and control costs. The suitability and usefulness of the present facility, almost completed, should be reviewed by the Blood Tribe Police Commission. Expertise present as advisory members to that Commission should be used to advise on any changes that may be required to upgrade the building. The additions to the building could be obtained from Kainai Industries in the opinion of the Commissioner and this possibility should be examined by the Police Commission.

19. *The Blood Tribe Police Commission should identify and explain to Blood Tribe members the respective types of offences that the Royal Canadian Mounted Police and the Blood Tribe Police will handle.*

This allocating of jurisdiction to enforce offences between the two police forces needs clarification on an on-going basis. The fullest cooperation is required. The advisory members of the Police Commission would be a good source of advice to assist the Police Commission to disseminate to the public such information.

20. *Seminars for the Police Commission members on their responsibilities and duties should be sponsored on an on-going and frequent basis by the Provincial Director of Law Enforcement.*

Such seminars would familiarize the Commissioners with their duties and obligations. It would keep currently serving Commissioners up-to-date on policing and teach newly appointed Commissioners their new responsibilities. This should be specific to the Blood Tribe or any other reserve. There should also be general seminars for all Native and Non-Native Police Commissions.

21. *The Provincial Director of Law Enforcement should provide frequent and regular supervision of Blood Tribe Police staffing with power to call upon the local Royal Canadian Mounted Police for specific guidance and training of the members of the Blood Tribe Police.*

The Blood Tribe Police is being phased into an accredited police force. The local Detachment of the Royal Canadian Mounted Police is part of Lethbridge Subdivision and, therefore, part of 'K' Division. Field training, including co-patrols, had previously been arranged with the Royal Canadian Mounted Police, after training was completed at the Department of the Solicitor General Academy. This must be continued throughout the whole of the transition period. The cooperation between the Royal Canadian Mounted Police and the Blood Tribe Police is good, but it is suspected that a certain amount of pride on either side might slow the process. The Director of Law Enforcement should be able to deal immediately and directly with the local police forces to facilitate the process.

22. *The "on-site" representative of the Director of Law Enforcement should remain in place as a consultant to the Blood Tribe Police Force.*

This has provided a stable and practical resource for the Blood Tribe Police. It is necessary for the Blood Tribe Police to obtain or develop its own management and police expertise so as to pursue its goal of a stand alone accredited police force. The presence of this "on-site" representative is the stabilizing influence in this process. The position should be maintained on an indefinite basis after consultation with the Police Commission and with the approval of Chief and Council.

23. *The recruitment of Blood Tribe Police officers should be conducted in an objective and impartial manner, preferably based on a point scale system.*

This will remove the potential charges of nepotism and increase the credibility of the police officers and the force. Employment of Blood members is a very important consideration. However, the Police Commission must not use the recruiting of police officers as a stop gap employment measure, but rather as a way of acquiring career police officers.

24. *Priority should be given to continuous recruiting and access to on-going recruit training for Blood Tribe Police officer candidates.*

This should occur in response to the routine attrition of positions on the force. It is absolutely necessary to ensure that trained replacements are available. This is important in maintaining an accredited police force, let alone one that is striving for this recognition.

25. *There should be a continuing education program sponsored by the Police Commission and Chief and Council to enable Blood Tribe Police Force members to upgrade themselves academically and professionally.*

It is recognized that this is a very important consideration in maintaining a professional police force. It will provide an incentive for the dedicated police officer to advance his/her career.

Workshops could be used to provide Native and non-Native police officers the latest information on police procedures/techniques so as to ensure all respective police forces are operating with the same knowledge base.

26. *The Blood Tribe Police Commission should initiate a review of staffing within the Blood Tribe Police Force to ensure that the personnel are appropriately suited to their respective positions.*

The intent of this recommendation is to have the Police Commission review whether staff have the competence and necessary skills to carry this police force through to accreditation and a stand alone status. Part of this process is to ensure that all job descriptions are completed in writing and are updated as required.

27. *Continued involvement of a liaison officer should occur between the Royal Canadian Mounted Police and the Blood Tribe Police Force as part of the latter's transition to a stand alone accredited police force.*

The Commissioner is pleased with the re-introduction of a Royal Canadian Mounted Police liaison officer position assigned to provide services on the Blood Tribe Reserve. It is hoped that a seasoned officer will be retained in this position to assist in bridging the knowledge-/culture gap.

The position is important today in the Blood Tribe Police transition stage but remains a priority even when the Blood Tribe Police become an accredited police force. The Royal Canadian Mounted Police will retain its back-up role as the Provincial Police Force. This position is more than a "messenger" service, it should be a "seconded" position of actual and practical assistance in ensuring that this police project succeeds.

28. *A sub-detachment or satellite office comprised of Royal Canadian Mounted Police Officers should be established on the Blood Reserve to provide continuous "on-site" visibility.*

Notwithstanding the view, by some, of the negative features of dual policing, the Commissioner believes there will be an element of dual policing until the Blood Tribe Police is a stand alone force. This is the price which must be paid to provide the type of services which meet the cultural needs of this community. The Royal Canadian Mounted Police will continue to provide a back-up capability as it does for other community police forces. This will enhance the opportunity of increasing communications and mutual understanding.

29. *The Lethbridge Community College should consider setting a quota for Native students in its courses for police candidates.*

This would assist in developing a pro-active approach to encourage Native students to join the Law Enforcement Program. If efforts to fill the available Native quota are unsuccessful, then the college would fill this quota with non-Native applicants. This is the approach used at most colleges and universities. It would emphasize the importance of providing for Native inclusion in the education system.

The Commissioner is pleased that the Program Chairman is actively pursuing initiatives to encourage more Native participation in the Law Enforcement Program. If such space was provided for Native students, then police forces such as the Lethbridge City Police who rely on such graduates for their recruiting, would be better able to achieve their own "quotas" of Native police officers.

30. *Lethbridge Community College should devise programs to educate the predominant population which comes into contact with the Indians in the specific aspects of the Blood culture.*

Lethbridge Community College could take a leading role in such an endeavour to work at bridging the cultural differences by enlightening the white population, and opening lines of communication between the different cultures on an equal and open basis.

Consultations with Blood Tribe leaders and respected Elders should occur in developing such programs.

Lethbridge Community College is developing/proposing a course on the Blood and Peigan cultures. The Commissioner supports such a proposal through the College or, if required, by the respective police forces. It must be specific to the culture of the Bloods for the Blood Reserve, with changes if necessary for the Peigan Reserve.

31. *Consideration should be given to initiating a recruiting office within the Lethbridge City Police Department to interface more closely with the City of Lethbridge Personnel Department.*

This would enable the police to be more effective in pro-actively recruiting candidates from minority groups. The police would be better able to respond to their own needs if they had more control of the recruiting process.

32. *The Blood Tribe should consider the development, in concert with the Royal Canadian Mounted Police, of a formal citizens advisory group which would reflect the community's perception of how it is being policed.*

Such a group could be comprised of the following members:

i) An elected Council member;

ii) A community Elder;

iii) A Native women's representative;

iv) The Detachment Commander of the Royal Canadian Mounted Police;

v) The chairperson of the Blood Tribe Police Commission.

This would assist the Police Commission in keeping abreast of Blood Tribe opinion.

This process of equal consultation is most important. Until now the standards of service delivered have been the sole prerogative of the Royal Canadian Mounted Police. It is a good example of the fact that even the most admirable solution thrust upon or given to the Blood members will not receive their whole-hearted cooperation because they had no voice in identifying the problem and working out the resolution.

33. *Consideration should be given to establishing a Provincial Native Police Commission under an independent chairperson to assist in the resolution of policing issues and setting of minimum police force standards*

The Commission should involve representatives of the Federal, Provincial and Indian Governments. It would monitor the development of police projects and help the local or regional Native Police Commissions to achieve their goals in policing for the Native population. This would include helping a Native Police Force seek accreditation.

The Blood Tribe Police Commission would not be deprived of its legitimate control over daily operations, recruitment, policy setting, crime prevention community programs or funding considerations for the Blood Tribe Police Force.

34. *The Royal Canadian Mounted Police should further review the relative strengths in the Ontario approach to provincial police/Native police relationships regarding self-policing models.*

This relationship was favourably reviewed by Assistant Commissioner R. H. Head in that:

> "it offers the local bands some input and some "ownership" in their policing program."

The Commissioner is aware of and supports the initiative taken by the Royal Canadian Mounted Police Headquarters in seconding a Liaison Officer to work within the Ontario Provincial Police Headquarters - Contract Policing Section. The resulting additional knowledge and expertise may be of value to 'K' Division contract policing personnel in consultation with the respective Natives.

RECOMMENDATIONS ARISING FROM MATTERS BEYOND THE TERMS OF REFERENCE OF THE INQUIRY

Many of the recommendations made by the Commissioner deal only with symptoms. Recommendations which deal with the underlying issues and problems, will have to be bold and innovative and in consultation/negotiation with the Natives.

35. *Consideration should be given to the establishment of a Standing Commission involving representatives of the three levels of government, being the Federal, Provincial and Indian Governments, under an independent chairperson whose mandate is dispute resolution in an open exchange of ideas where all parties are equal participants.*

The Standing Commission would be a forum to identify problems, develop resolutions and facilitate implementation of such resolutions. It would entertain issues on a regional or provincial concern in any area proposed by the representative parties. The more basic or causal issues could be examined, such as the issue of self-government. The Office of the Indian Commissioner of Ontario could be a valuable resource in the development not only of the Commission structure but also in operationalizing its dispute resolution mandate.

36. *There should be either a drastic change or a replacement of the Indian Act in consultation with the Indians.*

The Department of Indian Affairs and Northern Development has entered into negotiations with Indian bands for community self-government within the framework of the current *Indian Act* and associated statutes. The *Indian Act*, however, is perceived as an obstacle to the status Indians' desire to achieve independence and self-determination and, in fact, excludes other aboriginal groups from these negotiations.

Criteria for the individual bands negotiating the status of community self-government is considered discriminatory by the Commissioner because of the guidelines set up by the Federal Government. Achieving this status depends in part on establishing sound fiscal management, but primarily it depends on the wealth of the band, both in natural resources and finances. This discriminates against the more impoverished bands.

The *Indian Act* has governed the lives of successive generations of Indians. Negative measures such as residential schooling, the pass system and the attempted destruction of Indian spirituality have fostered a distrust and anger towards the *Indian Act*.

The perceived discrimination and the negative emotions created by this Act are considered by the Commissioner to be a serious obstacle hampering any negotiations. It is believed negotiation between the Federal, Provincial and Indian Governments outside the *Indian Act* is necessary in order to reach mutually constructive resolutions.